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WASHINGTON, DC

WHEN: October 22, 1996 at 9:00 a.m.

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Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AG31

Federal Employees Health Benefits Program: Limitation on Physician Charges and FEHB Program Payments

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is making final its interim regulation that amends current Federal Employees Health Benefits (FEHB) Program regulations. The final regulation requires that the charges and FEHB fee-for-service plans' benefit payments for certain physician services furnished to retired enrolled individuals do not exceed the limits on charges and payments established under the Medicare fee schedule for physician services.

EFFECTIVE DATE: This final regulation is effective October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Robert G. Iadicicco (202) 606–0004.

SUPPLEMENTARY INFORMATION: On May 18, 1995, OPM issued interim regulations in the Federal Register [60 FR 26667] that amended part 890 to implement section 11003 of the Omnibus Budget Reconciliation Act (OBRA) of 1993, Public Law 103–66, which was enacted on August 10, 1993. Section 11003 of OBRA of 1993 amended the FEHB law at 5 U.S.C. 8904(b) to limit the charges and FEHB fee-for-service plans' benefit payments for certain physician services (as defined in section 1848(j) of the Social Security Act) received by retired enrolled individuals.

We received three written comments from two FEHB fee-for-service plans and one retiree organization. One FEHB plan wrote that the interim regulation, though generally comprehensive, did not address coverage situations in which the FEHB plan is secondary to another group health plan. Since the limits on physician charges apply only to FEHB plans, if retired enrolled individuals have primary coverage under another group health plan, the primary plan cannot limit physician charges to the applicable Medicare limits.

The plan stated that it has determined the plan's secondary benefit payment under its coordination of benefits provision will not exceed the Medicare limits on virtually all claims arising under this coverage situation. Consequently, the plan believed that it will achieve time and administrative expense savings, and avoid customer service disputes, if the Medicare limits are not applied to these claims.

OBRA of 1993 was a deficit reduction measure, and the overriding goal of its FEHB provision was to reduce the Program's costs. When FEHB plans are secondary payers, it costs them more to apply the Medicare limits than they save by applying the limits. We do not believe this is the result intended by the law. Therefore, FEHB plans are not required to apply the Medicare limits when paying the claims of retired enrolled individuals who have primary coverage under another group health plan. The plans must pay these claims under their coordination of benefits provision.

Another FEHB plan noted that section 890.808 of the interim regulation states that plans, under the oversight of OPM, will notify the Department of Health and Human Services (HHS) of health care providers who knowingly, willfully, and repeatedly violate the Medicare limits. The plan requested that OPM provide the mailing address of a contact at HHS to forward member complaints about providers who violate the Medicare limits.

We agree that it is important to have a contact at HHS to whom FEHB plans can report providers who are violating the Medicare limits. We are working with HHS to select an appropriate contact. Once an HHS contact is selected, we will notify the FEHB plans.

The retiree organization noted that the FEHB plans are crucial to the success of the enforcement of the Medicare limits. The commenter expressed concern that the plans do not have an adequate incentive to vigorously pursue providers who overcharge retirees. In fact, the plans have a powerful incentive to enforce the charge limits. If a plan fails to protect its members from overcharges, the members will soon consider choosing another plan that will protect them.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect the health care coverage of Federal annuitants, their spouses, and former spouses.

E.O. 12866, Regulatory Review

This rule has been reviewed by OMB in accordance with E.O. 12866.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reporting and recordkeeping requirements, Retirement.

U.S. Office of Personnel Management
James B. King,
Director.

Accordingly, under the authority of 5 U.S.C. 8913, OPM is adopting its interim regulation under 5 CFR part 890 as published on May 18, 1995, [60 FR 26667], as a final rule without change.

[FR Doc. 96–24831 Filed 9–26–96; 8:45 am]
BILLING CODE 6325–01–U

OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2635

RIN 3209–AA04

Standards of Ethical Conduct for Employees of the Executive Branch; Exception for Gifts From a Political Organization

AGENCY: Office of Government Ethics (OGE).

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Government Ethics is amending the Standards of Ethical Conduct for Employees of the Executive Branch to conform with the Hatch Act Reform Amendments of 1993.

These amendments will thus bring the concerned provisions of the Standards up-to-date.

DATES: These interim rule amendments are effective September 27, 1996. Comments are invited and must be received on or before November 26, 1996.

ADDRESSES: Send comments to the Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917, Attention: Stuart D. Rick.

FOR FURTHER INFORMATION CONTACT: Stuart D. Rick, Associate General Counsel, Office of Government Ethics; telephone: 202–208–8000; FAX: 202–208–8037; Internet E-mail address: oge@attmail.com (for E-mail messages, the subject line should include the following reference—Standards Exception/Political Organization Gifts).

SUPPLEMENTARY INFORMATION:

I. Background

On August 7, 1992, the Office of Government Ethics published the Standards of Ethical Conduct for Employees of the Executive Branch (the Standards) for codification at 5 CFR part 2635. See 57 FR 35006–35067, as corrected at 57 FR 48557, 57 FR 52583, and 60 FR 51667, with additional grace period extensions for certain existing provisions at 59 FR 4779–4780, 60 FR 6390–6391, and 60 FR 66857–66858. The Standards, which took effect on February 3, 1993, set uniform ethical conduct standards applicable to all executive branch personnel.

Subpart B of the Standards, which contains regulations implementing the gift restrictions contained in 5 U.S.C. 7353 and section 101(d) of Executive Order 12674, as modified by E.O. 12731, includes an exception for benefits provided by certain sources in connection with political activities permitted by the Hatch Act. Subpart H of the Standards, which contains regulations relating to the outside activities of employees, includes a note explaining that fundraising permitted by the Hatch Act is not prohibited by the Standards, and includes a reference to the Hatch Act in a list of statutes and regulations applicable to outside activities.

The Hatch Act, at 5 U.S.C. 7321 *et seq.*, for many years governed the political activities of executive branch employees. Until recently, the Hatch Act provided that the only executive branch employees who were permitted to take an active part in political management or political campaigns were: an employee paid from the appropriation for the office of the President; the head or the assistant head of an Executive department or military department; and an employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws. Those exceptions to the Hatch Act's coverage were codified at 5 U.S.C. 7324(d).

Under the Hatch Act Reform Amendments of 1993, Public Law 103–94, all executive branch employees, with the exception of employees in certain agencies and positions listed at 5 U.S.C. 7323(b) and members of the uniformed services, may take an active part in political management or political campaigns. However, no employee may knowingly solicit, accept, or receive a political contribution from any person except under limited circumstances. 5 U.S.C. 7323(a)(2). The Hatch Act Reform Amendments of 1993 went into effect on February 3, 1994. See also the regulations thereunder of the Office of Personnel Management, at 5 CFR 734.401 (as modified at 61 FR 35101) for a list of the agencies and positions in which employees are still subject to political activity restrictions.

II. Analysis of the Regulations

The following sections of 5 CFR part 2635 are being amended to conform with the Hatch Act Reform Amendments of 1993. The Office of Government Ethics has consulted with the Department of Justice and the Office of Personnel Management on these interim rule amendments.

Section 2635.204(f)

Section 2635.204 of the Standards sets forth exceptions to the gift prohibition in § 2635.202(a), which provides that, in the absence of an exception, an employee shall not directly or indirectly solicit or accept a gift from a ''prohibited source,'' as that term is defined at 5 CFR 2635.203(d), or a gift that is ''[g]iven because of the employee's official position,'' as that term is defined at 5 CFR 2635.203(e).

One of several exceptions set forth in § 2635.204 is the exception at § 2635.204(f), by which ''[a]n employee who is exempt under 5 U.S.C. 7324(d) from the Hatch Act prohibitions against active participation in political management or political campaigns may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, in connection with such active participation, by a political organization described in 26 U.S.C. 527(e).'' In order to reflect the redefined class of executive branch employees who, pursuant to the Hatch Act Reform Amendments of 1993, may take an active part in political management or political campaigns, and to permit those employees to accept from a political organization meals, lodgings, transportation and other benefits, including free attendance at events, when provided in connection with their active participation in political management or political campaigns, the reference in § 2635.204(f) to prior 5 U.S.C. 7324(d), now superseded, is being replaced with a reference to current 5 U.S.C. 7323 as revised. In addition, the exception and the example following it are being reworded to reflect the thrust of the Hatch Act, as amended, to permit political activities rather than prohibit them.

Section 2635.801(d)(7)

Section 2635.801(d) of the Standards lists the Hatch Act among other statutes and regulations applicable to employees' outside employment or other outside activities. The brief reference to the Hatch Act in this section, at 5 CFR 2635.801(d)(7), is being replaced with a reference to the Hatch Act Reform Amendments.

Section 2635.808(a)(2)

Section 2635.808 of the Standards describes the circumstances under which an employee may engage in fundraising. For purposes of § 2635.808, ''fundraising'' means ''the raising of funds for a nonprofit organization, other than a political organization as defined in 26 U.S.C. 527(e) * * *.'' 5 CFR 2635.808(a)(1). Accordingly, a note following § 2635.808(a)(2) explains that § 2635.808 does not prohibit fundraising for political parties, but that such fundraising may be prohibited by other authorities, including the Hatch Act for employees ''other than those exempt under 5 U.S.C. 7324(d),'' and the restrictions on political solicitations in title 18 of the U.S. Code.

The note is being reworded to refer employees to the restrictions in the Hatch Act Reform Amendments, at 5 U.S.C. 7323(a)(2), on the solicitation, acceptance, or receipt of political contributions. In addition, the note is being reworded for clarity and to reflect changes made by the Hatch Act Reform Amendments to the restrictions on political solicitations in title 18 of the U.S. Code.

III. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553 (b) and (d), as Director of the Office of Government

Ethics, I have found that good cause exists for waiving the general requirements of notice of proposed rulemaking and 30-day delayed effective date for these interim rule Standards amendments. These requirements are being waived because it is in the public interest that these interim rule amendments, reflecting the broader class of executive branch employees who can engage in certain permitted political activities under the Hatch Act Reform Amendments be effective as soon as possible. Any comments received will be considered before OGE eventually adopts this interim final provision in a final rule.

Executive Order 12866

In promulgating these interim rule amendments, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Review and Planning. These amendments have also been reviewed by the Office of Management and Budget under that Executive order.

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this amendatory rule will not have a significant economic impact on a substantial number of small entities because it primarily affects Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because these amendments do not contain information collection requirements that require the approval of the Office of Management and Budget.

List of Subjects in 5 CFR Part 2635

Conflict of interests, Executive branch standards of conduct, Government employees, Political activities (Government employees).

Approved: July 26, 1996.

Stephen D. Potts,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending part 2635 of subchapter B of chapter XVI of title 5 of the Code of Federal Regulations as follows:

PART 2635—[AMENDED]

1. The authority citation for part 2635 continues to read as follows:

Authority: 5 U.S.C. 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart B—Gifts From Outside Sources

2. Section 2635.204 is amended by revising paragraph (f) and the example following it, to read as follows:

§ 2635.204 Exceptions.

* * * * *

(f) *Gifts in connection with political activities permitted by the Hatch Act Reform Amendments.* An employee who, in accordance with the Hatch Act Reform Amendments of 1993, at 5 U.S.C. 7323, may take an active part in political management or in political campaigns, may accept meals, lodgings, transportation and other benefits, including free attendance at events, when provided, in connection with such active participation, by a political organization described in 26 U.S.C. 527(e). Any other employee, such as a security officer, whose official duties require him to accompany an employee to a political event may accept meals, free attendance and entertainment provided at the event by such an organization.

Example 1: The Secretary of the Department of Health and Human Services may accept an airline ticket and hotel accommodations furnished by the campaign committee of a candidate for the United States Senate in order to give a speech in support of the candidate.

* * * * *

Subpart H—Outside Activities

3. Section 2635.801 is amended by revising paragraph (d)(7) to read as follows:

§ 2635.801 Overview.

* * * * *

(d) * * *

(7) The Hatch Act Reform Amendments, 5 U.S.C. 7321 through 7326, which govern the political activities of executive branch employees;

* * * * *

4. Section 2635.808 is amended by revising the note following paragraph (a)(2) to read as follows:

§ 2635.808 Fundraising activities.

* * * * *

(a) * * *

(2) * * *

Note: This section does not prohibit fundraising for a political party, candidate for partisan political office, or partisan political group. However, there are statutory restrictions that apply to political fundraising. For example, under the Hatch Act Reform Amendments of 1993, at 5 U.S.C. 7323(a), employees may not knowingly solicit, accept, or receive a political contribution from any person, except under limited circumstances. In addition, employees are prohibited by 18 U.S.C. 607 from soliciting or receiving political contributions in Federal offices, and, except as permitted by the Hatch Act Reform Amendments, are prohibited by 18 U.S.C. 602 from knowingly soliciting political contributions from other employees.

* * * * *

[FR Doc. 96–24581 Filed 9–26–96; 8:45 am]

BILLING CODE 6345–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV96–905–1 FIR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule establishing an assessment rate for the Citrus Administrative Committee (Committee) under Marketing Order No. 905 for the 1996–97 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of citrus grown in Florida. Authorization to assess citrus handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

EFFECTIVE DATE: August 1, 1996.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276, telephone (941) 299–4770 and FAX (941) 299–5169, or Tershirra Yeager, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone (202) 720–8139, FAX (202) 720–5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division,

AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax # (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 84 and Order No. 905, both as amended (7 CFR part 905), regulating the handling of Oranges, Grapefruit, Tangerines, and Tangelos grown in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Florida citrus handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable citrus beginning August 1, 1996 and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 11,000 producers of citrus in the production area and approximately 100 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of citrus producers and handlers may be classified as small entities.

The Florida citrus marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on May 24, 1996, and unanimously recommended 1996–97 expenditures of $230,000 and an assessment rate of $0.0035 per 4/5 bushel carton of citrus. In comparison, last year's budgeted expenditures were $215,000. The assessment rate of $0.0035 is $0.00025 higher than last year's established rate. Major expenditures recommended by the Committee for the 1996–97 year include $102,760 for salaries, $36,000 for the Manifest Department-FDACS, and $13,500 for insurance and bonds. Budgeted expenses for these items in 1995–96 were $101,740 for salaries, $36,000 for the Manifest Department-FDACS, and $13,350 for insurance and bonds.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Florida citrus. Citrus shipments for the year are estimated at 64,500,000 cartons which should provide $225,750 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

An interim final rule regarding this action was published in the July 24, 1996, issue of the Federal Register (61 FR 38355). That rule provided for a 30-day comment period. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. The Committee's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 fiscal period began on August 1, 1996, and the marketing order requires that the rate of

assessment for each fiscal period apply to all assessable citrus handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period, no comments were received.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 905 which was published at 61 FR 38354 on July 24, 1996, is adopted as a final rule without change.

Dated: September 23, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–24846 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 1220

[Docket Number LS–96–005]

Technical Amendments to the Soybean Promotion and Research Order and Rules and Regulations

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Final rule.

SUMMARY: This document amends sections contained in the Soybean Promotion and Research Order (Order) and rules and regulations. This regulatory action is being taken as part of the National performance Review Program to eliminate unnecessary regulations and improve those that remain in force.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief; Marketing Programs Branch, Room 2606–S; Livestock and Seed Division, AMS, USDA; P.O. Box 96456; Washington, DC 20090–6456; telephone 202/720–1115.

SUPPLEMENTARY INFORMATION: This rule amends the Order and Rules and Regulations (7 CFR Part 1220). The Order and regulations are effective under the Soybean Promotion, Research, and Consumer Information Act (Act).

This regulatory action is being taken as part of the National Performance Review program to eliminate unnecessary regulations and improve those that remain in force.

Executive Orders 12866 and 12988 and the Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

This rule was reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This rule would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 1971 of the Act, a person subject to the Order may file a petition with the Secretary stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling on the petition, if a complaint for this purpose is filed within 20 days after the date of the entry of the ruling.

Effect on Small Entities

The Agricultural Marketing Service has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because the changes are primarily to remove obsolete and duplicative material. As such, these changes will not impact on persons subject to the program. There are an estimated 381,000 soybean producers who pay assessments and an estimated 10,000 first purchasers who collect assessments.

Paperwork Reduction

Information collection requirements and recordkeeping provisions contained in 7 CFR Part 1220 have been previously approved by OMB and assigned OMB Control No. 0581–0093 under the Paperwork Reduction Act.

No additional recordkeeping requirements are imposed as a result of this rule.

Background and Proposed Changes

A review of the Order and regulations was conducted in response to the President's Regulatory Review Initiative of March 4, 1995. As a result, a number of paragraphs were identified that could be removed without adverse impact to the program. The amendments contained in this rule eliminates sections which are duplicative or obsolete or will avoid conflicting information.

The amendments eliminate certain sections dealing with procedures for refunds and for establishing escrow funds (§§ 1220.228(b)(5)(ii) through (b)(6)(iii), (§ 1220.330 through § 1220.331); and nomination procedures for the initial United Soybean Board (§ 1220.500 through § 1220.550).

Sections which are obsolete involve procedures for conducting a producer poll (§ 1220.701 through § 1220.731); two sections citing the Paperwork Reduction Act are duplicative (§ 1220.332 and § 1220.555), one Paperwork Reduction Act citation remains at § 1220.257 and is amended.

The sections on refund provisions became obsolete after a February 1994 referendum in which producers voted in favor of mandatory assessments based on 10 percent escrowed assessments paid at the end of each State's fiscal year.

In July 1995, by means of a poll, producers were provided the opportunity to request a refund referendum to determine whether refunds (at 10 percent of escrowed funds) should continue. The number of producers required to cause a referendum to be conducted did not sign the poll. Therefore, a referendum will not be held and refunds were eliminated as of October 1, 1995. Procedures for the conduct of the producer poll became obsolete after the producer poll was conducted in July 1995.

After consideration of all relevant material with regard to the termination of the provisions as hereinafter set forth, it is found that these provisions no longer tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that, upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice or to engage in further public procedure prior to implementing this action because the sections being removed are either

duplicative or obsolete and removal will not alter any aspect of the program.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Soybeans and soybean products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 1220 is amended as follows:

PART 1220—SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301–6311.

§§ 1220. 228 [Amended]

Center Heading ''Refund of Assessments'' §§ 1220.330—120.332, §§ 1220.500—1220.555 (Subpart D) and §§ 1220.701—1220.731 (Subpart F) [Removed and reserved]

2. In part 1220, §§ 1220.228 (b)(5)(ii) through (b)(6)(iii), 1220.330 through 1220.332 and the undesignated centerheading, Subpart D consisting of §§ 1220.500 through 555, and Subpart F Consisting of §§ 1220.701 through 1220.731 are removed and reserved.

§ 1220.257 [Amended]

3. In § 1220.257, the words ''of 1980'' are removed.

Dated: September 23, 1996.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 96–24845 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 701 and 705

Community Development Revolving Loan Program for Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final amendments.

SUMMARY: The purpose of the Community Development Revolving Loan Program for Credit Unions is to make reduced rate loans and provide technical assistance to both Federal and State-chartered credit unions serving low-income communities. The NCUA Board is issuing final amendments to this regulation to: eliminate the limits on technical assistance that may be provided per year to participating credit unions; clarify that student credit unions may not participate in the Program; clarify that credit unions may receive up to $300,000 in loans in the aggregate at any one time; and require additional documentation from nonfederally insured credit unions that may wish to participate in the Program. The NCUA Board is also issuing a technical amendment to another regulatory provision to conform it to the revised Program regulations.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Joyce Jackson, Director, Office of Community Development Credit Unions, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone (703) 518–6610 or Michael J. McKenna, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION: The purpose of the Community Development Revolving Loan Program (''Program'') is to make reduced rate loans and provide technical assistance to Federal and State-chartered credit unions serving low-income communities so that they may provide needed financial services and help to stimulate the economy in the community served. Although the Program has functioned well, the Board proposed four amendments to improve and clarify certain aspects of the Program. The NCUA Board issued proposed amendments to the Program on January 25, 1996. 61 FR 4239 (February 5, 1996). Four comment letters were received. Three commenters were state credit union leagues and one commenter was a national trade association. All of the commenters supported the proposed amendments.

Section 705.3 Definitions

This section, among other things, defines the term low-income members. In documenting its low-income membership, a credit union that serves a geographic area where a majority of residents fall at or below the annual income standard is presumed to be serving predominantly low-income members. In applying the low-income standard, the Regional Director must use specifically defined differentials for geographical areas with a higher cost of living. These differentials were originally obtained from a list maintained by the Bureau of Labor Statistics, as updated by the Employment and Training Administration. In order to recognize geographic economic differences, eleven cities that were above the national average for the lower level standard of living numbers were provided differentials to be applied by the Regional Director. NCUA requested comment on updating the differentials. The commenters did not suggest any changes. The Board does not believe there is any compelling reason to change the differentials at this time. However, to clarify the term ''geographic area'' and to provide for consistent application of agency policy, the Board believes that the geographic area definition should be based on either the Consolidated Metropolitan Statistical Area (CSMA) or Metropolitan Statistical Area (MSA) classification, as appropriate, that are used by the Office of Management and Budget (OMB) or defined by the Census Bureau.

Some in the credit union community have questioned whether student credit unions are eligible to participate in the Program. The preamble to the final 1993 amendments stated that although ''student federal credit unions are 'low-income credit unions' for purposes of receiving nonmember deposits, they do not qualify for participation in the Program because they are not specifically involved in the stimulation of economic development activities and community revitalization efforts.'' 58 FR 21642, 21645 (April 23, 1993). The Board proposed to amend Section 705.3(b) to clarify that student credit unions may not participate in the Program. All four commenters approved of this proposal. Accordingly, the Board is adopting this clarification in the final rule.

Section 705.5 Application for Participation

Because NCUA does not regulate nonfederally insured state chartered credit unions, the Board proposed that a nonfederally insured credit union provide in its application for Program participation a copy of its most recent outside audit report and proof of deposit and surety bond insurance which states the maximum insurance levels permitted by the policies, so that NCUA may properly consider the application. This proposal would simply require documentation that is comparable to the information accessible to NCUA for federally insured credit unions. All four commenters supported this proposal. The Board is also changing the term ''delinquent loan list'' to ''schedule of delinquent loans'' so that the information submitted will be comparable to information NCUA obtains from federally insured credit unions. The Board is also streamlining this section so that the requirements found in proposed Section 705.5(b) (iii) through (v) are simply stated in Section

705.5(b)(iii). Otherwise, the Board is adopting the proposed amendment in final.

Section 705.7 Loans to Participating Credit Unions

Section 705.7 currently states that a participating credit union is eligible ''to receive up to $300,000, as determined by the NCUA Board, in the form of a loan from the Community Development Revolving Loan Fund for Credit Unions.'' Some have questioned whether this means that a credit union may receive more than one $300,000 loan under the Program. The Board's proposal clarified that because of the Program's limited funds that the aggregate dollar amount of outstanding loans to one credit union is limited to $300,000. All four commenters supported this proposal. Accordingly, the Board is adopting the proposed amendment in final.

Section 705.10 Technical Assistance

Under the current Section 705.10, technical assistance may not exceed $120,000 per year. The Board proposed to eliminate the dollar threshold on technical assistance in the anticipation that available earnings may exceed $120,000. Such a change would provide NCUA greater flexibility in providing technical assistance. All four commenters supported the proposed amendment. Accordingly, the Board is adopting the proposed amendment in final.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a proposed regulation may have on a substantial number of small credit unions (primarily those under $1 million in assets). The final amendments generally clarify operational issues. The one significant change regarding technical assistance is expected to benefit credit unions by increasing the available pool of funds for technical assistance. Accordingly, the Board determines and certifies that this final rule does not have a significant impact on a substantial number of small credit unions and that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that the final amendments do not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget (OMB).

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its action on state interests. The Program is implemented in its entirety by the NCUA. The final amendments will permit more funds to be available for technical assistance to all credit unions, including state-chartered credit unions. The final amendments impose a minimal burden on nonfederally insured state chartered credit unions that wish to participate in the Program. The amendments will not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of powers among the various levels of government.

List of Subjects

12 CFR Part 701

Credit, Credit unions.

12 CFR Part 705

Community development, Credit unions, Loans programs-housing and community development, Reporting and recordkeeping requirements, Technical assistance.

By the National Credit Union Administration Board on September 18, 1996.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA amends 12 CFR parts 701 and 705 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789 and 1798. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 et seq.; 42 U.S.C. 1861 and 42 U.S.C. 3601–3610. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Section 701.34 is amended by revising paragraph (a)(1) to read as follows:

§ 701.34 Designation of low-income status; receipt of secondary capital accounts by low-income designated credit unions.

(a) *Designation of low-income status.* (1) Section 107(6) of the Federal Credit Union Act (12 U.S.C. 1757(6)) authorizes federal credit unions serving predominantly low-income members to receive shares, share drafts and share certificates from nonmembers. In order to utilize this authority, a federal credit union must receive a low-income designation from its Regional Director. The designation may be removed by the Regional Director upon notice to the federal credit union if the definitions set forth in paragraphs (a) (2) and (3) of this section are no longer met. Removals may be appealed to the NCUA Board within 60 days. Appeals should be submitted through the Regional Director.

* * * * *

PART 705—COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM FOR CREDIT UNIONS

3. The authority citation for part 705 is revised to read as follows:

Authority: 12 U.S.C. 1772c–1; 42 U.S.C. 9822 and 9822 note.

4. Section 705.3 is amended by revising paragraph (b) to read as follows:

§ 705.3 Definitions.

* * * * *

(b) For purposes of this part, a *participating credit union* means a state- or federally-chartered credit union (excluding student credit unions) that is specifically involved in the stimulation of economic development activities and community revitalization efforts aimed at benefiting the community it serves; whose membership consists of predominantly low-income members as defined in paragraph (a) of this section or applicable state standards as reflected by a current low-income designation pursuant to § 701.34(a)(1) or § 741.204 of this chapter or, in the case of a state-chartered nonfederally insured credit union, under applicable state standards; and has submitted an application for a loan and/or technical assistance and has been selected for participation in the Program in accordance with this part.

5. Section 705.5 is amended by revising paragraph (b)(1) to read as follows:

§ 705.5 Application for participation.

* * * * *

(b) * * *

(1) Information demonstrating a sound financial position and the credit union's ability to manage its day-to-day business affairs, including the credit union's latest financial statement. Nonfederally insured credit unions must include the following:

(i) A copy of its most recent outside audit report;

(ii) Proof of deposit and surety bond insurance which states the maximum insurance levels permitted by the policies;

(iii) A balance sheet, an income and expense statement, and a schedule of

delinquent loans, for the most recent month-end and each of the twelve months preceding that month-end.

* * * * *

§ 705.7 [Amended]

6. Section 705.7 is amended in paragraph (a) by adding ''in the aggregate'' after the number ''$300,000''.

7. Section 705.10 is revised to read as follows:

§ 705.10 Technical assistance.

Based on available earnings, NCUA may contract with outside providers to render technical assistance to participating credit unions. Participating credit unions can be provided with technical assistance without obtaining a Program loan. NCUA technical assistance will aid participating credit unions in providing services to their members and in the efficient operation of such credit unions.

[FR Doc. 96–24458 Filed 9–26–96; 8:45 am]

BILLING CODE 7535–01–P

12 CFR Parts 701, 709 and 741

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The final rule allows credit unions serving predominantly low-income members (LICU) to raise secondary capital from foundations and other philanthropic-minded institutional investors. The rule will enable LICUs to make more loans and improve other financial services for the groups and communities they serve. The rule also allows federal- and state-chartered LICUs to offer secondary capital accounts and incorporates the existing regulatory provisions concerning the designation of low-income status. The rule also amends NCUA's regulations so that secondary capital accounts are last in payout priorities in the event of an involuntary liquidation.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Joyce Jackson, Director, Office of Community Development Credit Unions, at 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone (703) 518–6610, or David Marquis, Director, or Stephen Austin, Acting Deputy Director, Office of Examination and Insurance, both at the above address or telephone (703) 518–6360, or Robert M. Fenner, General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

On February 2, 1996, the NCUA Board issued an interim final rule (''Interim Rule''), 61 FR 3788, that authorized LICUs to accept funds as secondary capital from nonnatural persons and philanthropic institutional investors. The Board issued the Interim Rule to achieve the following goals: to assist LICUs in achieving their purpose of serving members and communities in financial need; to ensure that any authorized secondary capital will actually function as capital and be available to absorb losses; to ensure that investors in secondary capital understand the nature of their investment and the risk they are undertaking; and to eliminate any potential risk to the NCUSIF and insured credit unions generally as a result of this activity.

Summary of Comments and Discussion of Issues

NCUA received six comment letters: three from state credit union leagues; two from national credit union trade associations; and one from an accounting trade group. The five credit union commenters expressed strong support for the Interim Rule with one commenter viewing the Interim Rule ''as the most important regulatory innovation of the last two decades in addressing the special needs of [LICUs].'' The accounting trade group neither supported nor opposed the Interim Rule.

Use of Secondary Capital To Replenish Operating Losses

Two commenters expressed support for the Interim Rule's provisions that required LICUs to use the secondary capital to cover the LICU's operating losses. However, both commenters disagreed with NCUA's decision to prohibit LICUs from replenishing the secondary capital when the LICU regained financial health. One of the commenters questioned NCUA's rationale and the other commenter asked the NCUA to reexamine its position. The latter commenter believed NCUA could establish safeguards so the replenishment of secondary capital would be subordinate to the LICU's other goals, such as reinstituting dividends and building capital. The commenter also believed NCUA's position unfairly penalized investors and decreased the secondary capital's attractiveness.

Permitting LICUs to replenish secondary capital accounts once financial health has been regained would defeat the purpose for establishing secondary capital. The goal of secondary capital is to enhance capital positions. The potential growth of primary capital could be slowed by allowing LICUs to replenish investor funds in the event those funds are depleted. Additionally, permitting replenishment could be interpreted as a ''guaranteed return of principal'' by the investor which was not the Board's original intent.

Secondary Capital as Equity

Two commenters objected to the Interim Rule's provisions that required LICUs to treat secondary capital as equity. Instead, the commenters believed that LICUs should treat secondary capital as debt according to GAAP. One commenter stated that classifying secondary capital as equity was misleading and recommended that NCUA require LICUs to exclude non-GAAP financial information from the LICU's financial statements. The commenter also strongly encouraged NCUA to follow the other federal financial regulators and conform all of NCUA's regulatory accounting practices to GAAP. The other commenter requested additional guidance from NCUA since many LICUs and auditing firms will not be familiar with the accounting issues associated with secondary capital.

The Board has considered the commenter's position, and acknowledges that while secondary capital accounts have characteristics of both debt and equity, in the final analysis, it believes secondary capital is more analogous to equity. Thus, for reporting purposes, LICUs should record secondary capital accounts consistent with Accounting Bulletin 96–1 (the ''Bulletin''), which establishes the accounting entries for secondary capital. The Bulletin requires secondary capital to be treated as part equity and part subordinated debt based on a sliding scale. The Board anticipates that most LICUs will not be seeking audit opinions on their financial statements nor posting GAAP statements for members or other third-party reliance. Most LICUs financial statement reporting efforts will be directed to meeting NCUA regulatory requirements and thus, our approach is not at odds with the other federal banking agencies since they, too, have preserved their option to adopt regulatory reporting requirements for supervisory purposes.

Sliding Scale

One commenter objected to the requirement that LICUs add a footnote to their financial statements reflecting the secondary capital's value as a percentage of its face value, on a five year sliding scale. The commenter suggested the footnote should state the secondary capital's total dollar amount and maturity date. According to the commenter, their proposed method would be consistent with GAAP and reflect the economic reality that all of the secondary capital would be available to absorb losses until maturity.

The Bulletin specifically provides for two separate accounts for recognizing secondary capital. The first, uninsured secondary capital (account #925) shows the amount of secondary capital having a maturity greater than 5 years. Subordinated CDCU Debt (account #867) recognizes the secondary capital accounts with maturities of less than 5 years. The rule establishes a sliding scale for the capital value of accounts with less than 5 years remaining maturity. The Board believes a footnote disclosure recognizing the secondary capital's total dollar amount and maturity date would be appropriate. As a result, the final rule directs LICUs to reflect the secondary capital's full amount in a footnote to its balance sheet, and reflect the secondary capital's capital value based on the sliding scale in the LICU's balance sheet.

Requiring Secondary Capital as a Condition of Charter or Letter of Understanding and Agreement

Finally, two commenters expressed concerns that the rule may result in tougher requirements for new or troubled LICUs. Both commenters believed that NCUA should not require a LICU to obtain secondary capital before the NCUA granted a charter or as a condition of a Letter of Understanding and Agreement. One commenter noted that the Interim Rule did not require LICUs to offer secondary capital and believed that NCUA should only direct a LICU to obtain secondary capital in rare instances.

The Board strongly believes secondary capital will help support greater lending and financial services for members of LICUs; however, it was never the Board's intention to require secondary capital as a condition for new LICUs. The decision to use secondary capital accounts is within the discretion of the LICU.

Final Rule

The final rule adopts with minor modifications the Interim Rule published on February 2, 1996. (61 FR 3788).

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that this rule will not have a significant impact on a substantial number of small credit unions. The rule affects only low-income designated credit unions, and imposes no mandatory regulatory burden on those credit unions. Rather, it increases flexibility by providing a new method of raising capital through secondary capital accounts. Accordingly, a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The collection of information requirements contained in the rule were approved by the Office of Management and Budget under OMB Control No. 3133–0140. Federally insured credit unions are not required, pursuant to the terms of the Paperwork Reduction Act, to comply with paperwork requirements until OMB approval and a OMB control number are received. However, NCUA expected LICUs that chose to offer secondary capital accounts, as a matter of safety and soundness, to adopt written plans, forward a copy of the LICU's plan to the Regional Director (and state supervisor in the case of state credit unions) and use account contract documents and disclosure forms that meet the requirements of this rule in every respect.

Written comments on the collection of information should be sent to the Office of Management and Budget, OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, DC 20503. Attn: Alexander Hunt. The collection of information requirements relating to the final rule are found at 12 CFR 701.34(b) (1) and (11). NCUA believes these requirements are essential both to ensure the safe and sound operation of a secondary capital program and to ensure that account holders fully understand the nature of their investment in the credit union and the risks involved. The likely recordkeepers are Federally-insured credit unions with a low-income designation.

Estimated number of respondents and/or recordkeepers: 50.

Estimated average annual burden hours per respondent/recordkeeper: 3 hours.

Estimated total annual reporting and recordkeeping burden: 150 hours.

Start-up costs to respondents: None.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effects of its actions on state interests. This rule has no adverse effects on state interests. The rule provides additional authority for federally insured state chartered credit unions, but only to the extent not inconsistent with state law and regulations. The NCUA Board, however, specifically requested the comments of State credit union regulators to obtain their guidance in how the rule may affect their credit unions. However, no State credit union regulator commented on the Interim Rule.

List of Subjects in 12 CFR Part 701

Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on September 18, 1996.

Becky Baker,

Secretary of the Board.

Accordingly, the interim rule amending 12 CFR parts 701, 709, and 741, which was published at 61 FR 3788 on February 2, 1996, is adopted as a final rule with the following change:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789 and Public Law 101–73. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 12 U.S.C. 1601, et seq., 42 U.S.C. 1981 and 42 U.S.C. 3601–3610. Section 701.35 is also authorized by 12 U.S.C. 4311–4312.

2. Section 701.34 is amended by revising paragraphs (b)(2) and (c) to read as follows:

§ 701.34 Designation of low-income status; receipt of secondary capital accounts by low-income designated credit unions.

* * * * *

(b) * * *

(2) The secondary capital account must be established as a uninsured secondary capital account or other form of non-share account.

* * * * *

(c) *Accounting treatment; weighted value for purposes of recognizing capital value of secondary capital accounts.* (1) A low-income designated credit union that issues secondary capital accounts pursuant to paragraph (b) of this section shall record the funds on its balance sheet in an equity account entitled ''uninsured secondary capital

account.'' For such accounts with remaining maturities of less than five years, the credit union shall reflect the capital value of the accounts in its financial statement in accordance with the following scale:

(i) Four to less than five years remaining maturity—80 percent.

(ii) Three to less than four years remaining maturity—60 percent.

(iii) Two to less than three years remaining maturity—40 percent.

(iv) One to less than two years remaining maturity—20 percent.

(v) Less than one year remaining maturity—0 percent.

(2) The credit union will reflect the full amount of the secondary capital on deposit in a footnote to its financial statement.

* * * * *

[FR Doc. 96–24457 Filed 9–26–96; 8:45 am]

BILLING CODE 7535–01–P

12 CFR Part 711

Management Official Interlocks

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: NCUA is revising its rules regarding management interlocks between credit unions and other types of depository institutions. The final rule, like the current regulation, does not apply when a credit union shares a management official with another credit union. The final rule conforms the interlocks rules to recent statutory changes, modernizes and clarifies the rules, and reduces unnecessary regulatory burdens where feasible, consistent with statutory requirements.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Jeffrey Mooney, Staff Attorney (703/518–6563), Office of General Counsel, or Kimberly Iverson, Program Officer (703/518–6375), Office of Examination and Insurance.

SUPPLEMENTARY INFORMATION:

Background

The Depository Institution Management Interlocks Act (12 U.S. C. 3201 *et seq.*) (Interlocks Act) prohibits certain management interlocks between depository institutions. The Interlocks Act exempts interlocking arrangements between two credit unions and therefore, in the case of credit unions, only restricts interlocks between credit unions and other depository institutions—banks and savings associations.

The Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI Act) amended the Interlocks Act by removing NCUA's broad authority to exempt otherwise impermissible interlocks and replacing it with the authority to exempt interlocks under more narrow circumstances. The CDRI Act also required a depository organization with a ''grandfathered'' interlock to apply for an extension of the grandfather period if the organization wanted to keep the interlock in place.

On March 25, 1996, the NCUA Board (Board) published a notice of proposed rulemaking (proposal) (61 FR 12043) to implement these statutory changes. In addition, the proposal permitted interlocks involving two institutions located in the same relevant metropolitan statistical area (RMSA) if the institutions were not also located in the same community and if at least one of the institutions had total assets of less than $20 million. Finally, the proposal streamlined and clarified NCUA's interlocks rules in various respects.

The Final Rule and Comments Received

NCUA received eight comment letters; four from state leagues, three from credit unions, and one from a national trade association. Seven of the eight commenters supported the proposal. The commenter that objected to the proposal thought the changes were unnecessary. A few commenters, while supporting the proposal, requested guidance or suggested changes as discussed later in this preamble. Most of the provisions in the proposal received either no comments or favorable comments. Accordingly, NCUA has adopted, with minor modifications, the changes to the interlocks rules that were set forth in the proposal.

Authority, Purpose, and Scope

This section in NCUA's final rule identifies the Interlocks Act as the statutory authority for the management interlocks regulation. It also states that the purpose of the rules governing management interlocks is to foster competition between unaffiliated institutions.

One commenter asked NCUA to include a statement that ''this part does not apply to interlocking arrangements between credit unions.'' Language to that effect is provided in section 711.1(c).

Definitions

Anticompetitive Effect

The final rule defines the term ''anticompetitive effect'' to mean ''a monopoly or substantial lessening of competition,'' a definition derived from the Bank Merger Act (12 U.S.C. 1828(c)). The term ''anticompetitive effect'' is used in the Regulatory Standards exemption. Under the Regulatory Standards exemption, NCUA may approve a request for an exemption to the Interlocks Act if, among other things, the agency finds that continuation of service by the management official does not produce an anticompetitive effect with respect to the affected institution.

The statute does not define the term ''anticompetitive effect,'' nor does the legislative history to the CDRI Act point to a particular definition. The context of the Regulatory Standards exemption suggests that NCUA should apply the term ''anticompetitive effect'' in a manner that permits interlocks that present no substantial lessening of competition. By prohibiting an interlock that would result in a monopoly or substantial lessening of competition, the definition preserves the free flow of credit and other financial services that the Interlocks Act is designed to protect.

Since the term anticompetitive effect is not used by the credit union industry, NCUA requested comments on whether another definition would be more appropriate. One commenter suggested that NCUA define monopoly and substantial lessening of competition by using percentages. The Board believes a percentage system would be arbitrary and has not made the suggested change.

Two commenters asked NCUA to clarify what the agency would consider an anticompetitive effect. The Board anticipates that it will make this determination on a case-by-case basis. Nevertheless, NCUA will follow Justice Department guidelines and precedents established by the financial institution regulators where appropriate.[1]

Area Median Income

The final rule defines ''area median income'' as the median family income for the metropolitan statistical area (MSA) in which an institution is located or the statewide nonmetropolitan median family income if an institution is located outside an MSA. The term ''area median income'' is used in the definition of ''low- and moderate-income areas,'' which in turn is used in

[1] *See e.g.*, the Office of the Comptroller of the Currency's (OCC) Bank Merger Competitive Analysis Screen (OCC Advisory Letter 95–4, July 18, 1995); Department of Justice Merger Guidelines (49 FR 26823, June 29, 1984) (applied by the Federal Reserve Board (FRB)); and Federal Deposit Insurance Corporation (FDIC) Statement of Policy: Bank Merger Transactions (54 FR 39045, Sept. 22, 1989).

the implementation of the Management Consignment exemption.

Critical

The final rule defines ''critical'' as being ''important to restoring or maintaining a depository organization's safe and sound operations.'' The term ''critical'' is used in the Regulatory Standards exemption. Under that exemption, NCUA must find that a proposed management official is critical to the safe and sound operations of the affected institution. 12 U.S.C. 3207(b)(2)(A).

Neither the statute nor its legislative history defines ''critical.'' NCUA is concerned that a narrow interpretation of this term would nullify the Regulatory Standards exemption. If someone were ''critical'' to the safe and sound operations of an institution only if the institution would fail but for the service of the person in question, the exemption would have little relevance, because the standard would be impossible to meet. Given that Congress clearly intended for the Regulatory Standards exemption to permit interlocks under some circumstances, the question thus becomes how to define those circumstances.

The Board believes that the definition of critical adopted in this final rule is consistent with the legislative intent by insuring that only persons of demonstrated expertise and importance to the institution's safe and sound operations may serve pursuant to a Regulatory Standards exemption.

One commenter supported the definition as proposed. Two commenters, however, asked NCUA to clarify when the agency would consider a management official critical. As discussed below, the Board has established presumptions to determine when a person is critical to an institution, therefore, it does not believe further clarification is necessary.

Depository Institution

The final rule makes no substantive change to the definition of ''depository institution.''

Low- and Moderate-Income Areas

The final rule defines this term as a census tract (or, if an area is not in a census tract, a block numbering area delineated by the United States Bureau of the Census) in which the median family income is less than 100 percent of the area median income. This term is used in the Management Consignment exemption that permits an otherwise impermissible interlock if the interlock would improve the provision of credit to a low- and moderate-income area. The final rule clarifies that NCUA will evaluate whether an area is low- or moderate-income by comparing the median family income for the census tract to be helped (or, if there is no census tract, the block numbering area delineated by the United States Bureau of the Census) with the area median income. Income data will be derived from the most recent decennial census.

Management Official

The final rule defines ''management official'' to include a senior executive officer, a director, a branch manager, a trustee of an organization under the control of trustees, or any person who has a representative or nominee serving in such capacity. The definition excludes (1) a person whose management functions relate either exclusively to the business of retail merchandising or manufacturing or principally to business outside the United States of a foreign commercial bank and (2) a person excluded by section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

The final rule removes the phrase ''an employee or officer with management functions,'' which appeared in the former rule. In its place, NCUA has used the term ''senior executive officer'' as defined by each agency in its regulation pertaining to the prior notice of changes in senior executive officers, which implement section 212 of the Federal Credit Union Act (FCU Act) (12 U.S.C. 1790a) as added by section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (Pub. L. No. 101–73, 103 Stat. 183). NCUA has made this change to eliminate the uncertainty and attendant compliance burden created by the ambiguous term ''management functions.'' The final rule incorporates specific illustrative examples already found in NCUA's regulations of positions at depository organizations that will be treated as senior executive officers. *See* 12 CFR § 701.14. The Board believes that this definition will allow depository organizations to identify impermissible interlocks with greater certainty and thus will enhance compliance.

One commenter asked NCUA to place the text of the definition of senior executive officer already found in section 701.14 in section 711.2. Another commenter asked NCUA to specifically exclude compliance officers from the definition of management official.

NCUA has not adopted either suggested change. First, NCUA does not believe adding the text of section 701.14 to section 711.2 is necessary. References to other sections are common and do not increase regulatory burden. Second, while NCUA believes that in most instances a compliance officer will not be considered a management official, that determination should be made after the individual's duties and responsibilities have been evaluated.

Relevant Metropolitan Statistical Area

The final rule, like its predecessor, defines ''RMSA'' as an MSA, a primary MSA, or a consolidated MSA that is not comprised of designated primary MSAs. However, the final rule clarifies that this definition will be used to the extent that the Office of Management and Budget (OMB) defines and applies the terms MSA, primary MSA, and consolidated MSA. This change reflects the fact that OMB defines ''consolidated MSA'' to include two or more primary MSAs. Given that a consolidated MSA, by OMB's definition, is comprised of primary MSAs, the reference to a consolidated MSA in the Interlocks Act and NCUA's regulations is inappropriate. The final rule enables NCUA to implement the statute in a way that complies with both the spirit and the letter of the Interlocks Act.

Representative or Nominee

The final rule defines ''representative or nominee'' as someone who serves as a management official and has an obligation to act on behalf of someone else. The final rule removes the rest of the definition that appeared in the former rule, however, and inserts a statement that NCUA will find that someone has an obligation to act on behalf of someone else *only* if there is an agreement (express or implied) to do so. This change clarifies that the determination of whether someone serves a representative or nominee will depend on whether there is a basis to conclude that an agreement exists to act on someone's behalf.

Prohibitions

The former rule prohibited interlocks under three circumstances. First, no two unaffiliated depository organizations may have an interlock if they (or their depository institution affiliates) have depository institution offices in the same *community*. Second, a depository organization may not have an interlock with any unaffiliated depository organization if either depository organization has assets of $20 million or more and the depository organizations (or depository institution affiliates of either) have depository institution

offices in the same RMSA.[2] Third, if a depository organization has total assets exceeding $1 billion, it (and its affiliates) may not have an interlock with any depository organization with total assets exceeding $500 million (or affiliate thereof), regardless of location.

The final rule amends the restriction applicable to institutions with assets equal to or exceeding $20 million to better conform to the purposes of the Interlocks Act. Whereas the prior rule prohibited interlocks in an RMSA if *one* of the organizations had total assets of $20 million or more, the final rule applies the RMSA-wide prohibition only if *both* organizations have total assets of $20 million or more. Interlocks within a *community* involving unaffiliated depository organizations will continue to be prohibited, regardless of the size of the organizations.

The Board believes that this change is consistent with both the language and the intent of the Interlocks Act. While the statute uses the plural ''depository institutions'' in section 203(1) of the Interlocks Act (12 U.S.C. 3202(1)), the wording in context is ambiguous and neither the statute nor its legislative history compels the conclusion that the interlock must involve two institutions with less than $20 million in assets before the less restrictive prohibition applies.

The Interlocks Act seeks to prohibit interlocks that could enable two institutions to engage in anticompetitive behavior. However, an institution with total assets of less than $20 million is likely to derive most of its business from the community in which it is located and is unlikely to compete with institutions that do not have offices in that community. Therefore, an interlock involving one institution with assets under $20 million and another institution with assets of at least $20 million not in the same community is not likely to lead to the anticompetitive conduct that the Interlocks Act is designed to prohibit.

The Board believes that this change will promote rather than inhibit competition. Expanding the pool of managerial talent for institutions with assets under $20 million could enhance the ability of smaller institutions to compete by improving the management of these institutions.

One commenter objected to the proposed change asserting that it was unnecessary. For the reasons stated above, NCUA disagrees with the commenter and has included the changes in the final rule.

Interlocking Relationships Expressly Permitted by Statute

The final rule states the exemptions found in 12 U.S.C. 3204 (1)–(8). The final rule reorders the exemptions set forth in the current regulation in order to conform the list of exemptions to the list set forth in the Interlocks Act.

Regulatory Standards Exemption

The final rule sets forth the requirements that a depository organization must satisfy in order to obtain a Regulatory Standards exemption. The rule implements the requirement regarding certification by allowing a depository organization's board of directors (or the organizers of a depository organization that is being formed) to certify to NCUA that no other qualified candidate has been found after undertaking reasonable efforts to locate qualified candidates who are not prohibited from service under the Interlocks Act. If read narrowly, the Interlocks Act could require a depository organization to evaluate every person in a given locale that might be qualified and interested. This would create a requirement that, in practice, would be impossible to satisfy. Given that Congress would not have included an exemption that would have no practical application, NCUA believes that the ''reasonable efforts'' standard is consistent with the legislative intent.

The final rule also sets forth a presumption that NCUA will apply when reviewing an application for a Regulatory Standards exemption.[3] NCUA will presume that a person is critical to an institution's safe and sound operations if NCUA also approved that individual under section 914 of FIRREA and the institution in question either was a newly chartered institution, failed to meet minimum capital requirements, or otherwise was in a ''troubled condition'' as defined in the reviewing agency's section 914 regulation at the time the section 914 filing was approved.

The final rule also addresses the duration of an interlock permitted under the Regulatory Standards exemption. The statute does not require that these interlocks terminate. In light of this open-ended grant of authority, NCUA has not adopted a specific term for a permitted exemption. Instead, NCUA may require an institution to terminate the interlock if NCUA determines that the management official in question either no longer is critical to the safe and sound operations of the affected organization or that continued service will produce an anticompetitive effect. NCUA will provide affected organizations an opportunity to submit information before they make a final determination to require termination of an interlock.

Grandfathered Interlocking Relationships—Removed

Section 338(a) of the CDRI Act authorizes NCUA to extend a grandfathered interlock for an additional five years if the management official in question satisfies the statutory criteria for obtaining an extension.

The final rule removes the sections addressing the grandfather exemption because they are unnecessary and redundant in light of the statute. NCUA did not receive any requests to extend a grandfathered interlock, and individuals who wished to extend the grandfather period had until March 23, 1995 to apply for an exemption.

Management Consignment Exemption

The final rule implements the Management Consignment exemption, set forth in section 209(c) of the Interlocks Act (12 U.S.C. 3207(c)), by restating the statutory criteria with three clarifications. First, the final rule states that NCUA considers a ''newly chartered institution'' to be an institution that has been chartered for less than two years at the time it files an application for exemption. This standard is consistent with NCUA's threshold for determining when an institution is considered newly chartered.

Second, the final rule clarifies that the exemption available for ''minority- and women-owned institutions'' is available for an institution that is owned *either* by minorities *or* women. In analyzing the exemptions to the Interlocks Act that the federal banking agencies have approved, the House Conference Report to the CDRI Act (H.R. Conf. Rep. No. 652, 103d Cong., 2d Sess. 181 (1994)) (Conference Report) states that the types of institutions that have received

[2] A ''community'' as that term is defined in the rule is smaller than an RMSA. There may be several communities in one RMSA.

[3] OCC, FRB, FDIC and the Office of Thrift Supervision also will presume that an interlock will not have an anticompetitive effect if it involves institutions that, if merged, would not trigger a challenge from agencies on competitive grounds. Generally, the agencies will not object to a merger on competitive grounds if the post-merger Herfindahl-Hirschman Index (HHI) for the market is less than 1800 and the merger increases the HHI by 200 points or less. NCUA will not implement this presumption because there is no statutory authority for credit unions to merge with other types of depository institutions, and the typical HHI analysis does not reflect the shares/deposits held by credit unions, therefore, any HHI analysis involving credit unions would be meaningless.

exemptions include those that are ''owned by women or minorities.'' These exemptions ultimately were codified in the Interlocks Act. Accordingly, NCUA has concluded that Congress intended the Management Consignment exemption to assist institutions owned by women and/or by minorities, but did not intend to require the institution to be owned by both.

Third, the final rule permits an interlock if the interlock would strengthen the management of *either* a newly chartered institution *or* an institution that is in an unsafe or unsound condition. Section 209(c)(1)(C) of the Interlocks Act (12 U.S.C. 3207(c)(1)(C)) permits an exemption if the interlock would ''strengthen the management of newly chartered institutions that are in an unsafe or unsound condition.'' However, this provision contains what appears on its face to be an error, given that an exemption limited to situations involving newly chartered institutions that also are in an unsafe and unsound condition would have no practical utility. NCUA will not approve an application for a credit union charter unless the applicant seeking a charter can demonstrate that the proposed new financial institution will operate in a safe and sound manner for the foreseeable future. While there may be an extraordinary instance where a newly chartered institution immediately experiences unforeseen problems so severe that they threaten the safety and soundness of that institution, there is nothing in the legislative history to suggest that Congress intended to limit the Management Consignment exemption to such rare instances.

Moreover, the legislative history of the CDRI Act suggests that NCUA is to apply the Management Consignment exemption in cases involving either newly chartered institutions or institutions that are in an unsafe or unsound condition. The Conference Report notes that the federal financial institution regulatory agencies have used their exemptive authority to grant exemptions in limited cases where institutions ''are particularly in need of management guidance and expertise to operate in a safe and sound manner.'' *Id*. The Conference Report goes on to state that ''Examples of exceptions permissible under an agency management official consignment program include improving the provision of credit to low- and moderate-income areas, increasing the competitive position of minority- and women-owned institutions, and strengthening he [sic] management of newly chartered institutions *or* institutions that are in an unsafe or unsound condition.'' *Id*. at 182 (emphasis added).

Finally, Congress used the exemptions in NCUA's current rules as the model for the Management Consignment exemption. *See id*. at 181–182. These exemptions distinguish newly chartered institutions from institutions that are in an unsafe or unsound condition. The reference in the CDRI Act's legislative history to the current regulatory exemptions suggests that Congress intended to codify these exemptions.

For these reasons, NCUA will permit Management Consignment exemptions if the management official will strengthen either a newly chartered institution or an institution that is in an unsafe or unsound condition.

The final rule sets forth two presumptions that NCUA will apply in connection with an application for an exemption under the Management Consignment exemption. First, NCUA will presume that an individual is capable of strengthening the management of an institution that has been chartered for less than two years if NCUA approved the individual to serve as a management official of that institution pursuant to section 914 of FIRREA. Second, NCUA will presume that an individual is capable of strengthening the management of an institution that is in an unsafe or unsound condition if NCUA approved the individual to serve under section 914 as a management official of that institution at a time when the institution was in a ''troubled condition.''

NCUA believes that presumptions of suitability are less valid when applied to the other Management Consignment exemptions because there is no reason to conclude that a management official approved under section 914 necessarily will improve the flow of credit to low- and moderate-income areas or increase the competitive position of minority- or women-owned institutions. Moreover, the final rule does not contain a presumption regarding effects on competition, given that this is not a factor to be considered by NCUA when reviewing an application for a Management Consignment exemption.

The final rule sets forth the limits on the duration of a Management Consignment exemption. The Interlocks Act limits a Management Consignment exemption to two years, with a possible extension for up to an additional two years if the applicant satisfies at least one of the criteria for obtaining a Management Consignment exemption. The final rule implements this limitation by requiring interested parties to submit an application for an extension at least 30 days before the expiration of the initial term of the exemption and by clarifying that the presumptions that apply to initial applications also apply to extension applications.

Change in Circumstances

The final rule provides a 15-month grace period for nongrandfathered interlocks that become impermissible due to a change in circumstances. This period may be shortened by NCUA under appropriate circumstances.

Paperwork Reduction Act

The Board has determined that the requirements of the Paperwork Reduction Act do not apply.

Executive Order 12612

This final rule, like the current 12 CFR part 711 it would replace, will apply to all Federally insured credit unions. The Board, pursuant to Executive Order 12612, has determined, however, that this final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Further, this final rule will not preempt provisions of State law or regulations.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the regulatory flexibility analysis otherwise required under section 603 of the RFA (5 U.S.C. 603) is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification and a succinct statement explaining the reasons for such certification in the Federal Register along with its final rule.

Pursuant to section 605(b) of the RFA, the Board hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Board expects that this rule will not (1) Have significant secondary or incidental effects on a substantial number of small entities or (2) create any additional burden on small entities. The changes to the exemptions are required by the Interlocks Act. The Board has added presumptions that will streamline and simplify the application procedures for obtaining an exemption from the Interlocks Act prohibitions, and have defined key terms used in the

provisions implementing these exemptions in a way that is intended to eliminate any unnecessary burden. As noted in the preamble discussion of the changes made by the final rule, the Board has made substantive changes that will permit more flexibility to institutions with total assets of less than $20 million, clarified the circumstances under which someone will be deemed to be a ''representative or nominee,'' and amended the definition of ''senior management official'' so as to provide greater clarity and to conform this definition with definitions of similar terms used in other regulations.

The impact of these changes will be to minimize, to the extent possible, the costs of complying with this final rule.

List of Subjects in 12 CFR Part 711

Antitrust, Credit unions, Holding companies.

By the National Credit Union Administration Board on September 18, 1996.

Becky Baker,

Secretary of the Board.

For the reasons set out in the preamble, NCUA revises part 711 of chapter VII of title 12 of the Code of Federal Regulations to read as follows:

PART 711—MANAGEMENT OFFICIAL INTERLOCKS

Sec.

Authority: 12 U.S.C. 1757 and 3201–3208.

§ 711.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued under the provisions of the Depository Institution Management Interlocks Act (Interlocks Act) (12 U.S.C. 3201 *et seq*).

(b) *Purpose.* The purpose of the Interlocks Act and this part is to foster competition by generally prohibiting a management official from serving two nonaffiliated depository organizations in situations where the management interlock likely would have an anticompetitive effect.

(c) *Scope.* This part applies to management officials of federally insured credit unions. Section 711.4(c) exempts a management official of a credit union from the prohibitions of the Interlocks Act when the individual serves as a management official of another credit union. Therefore, the Interlocks Act prohibitions contained in this part only apply to a management official of a credit union when that individual also serves as a management official of another type of depository organization (usually a bank or thrift).

§ 711.2 Definitions.

For purposes of this part, the following definitions apply:

(a) *Affiliate.* (1) The term *affiliate* has the meaning given in section 202 of the Interlocks Act (12 U.S.C. 3201). For purposes of that section 202, shares held by an individual include shares held by members of his or her immediate family. ''Immediate family'' means spouse, mother, father, child, grandchild, sister, brother, or any of their spouses, whether or not any of their shares are held in trust.

(2) For purposes of section 202(3)(B) of the Interlocks Act (12 U.S.C. 3201(3)(B)), an affiliate relationship involving a depository institution based on common ownership does not exist if the appropriate federal supervisory agency determines, after giving the affected persons the opportunity to respond, that the asserted affiliation was established in order to avoid the prohibitions of the Interlocks Act and does not represent a true commonality of interest between the depository organizations. In making this determination, the appropriate Federal supervisory agency considers, among other things, whether a person, including members of his or her immediate family, whose shares are necessary to constitute the group owns a nominal percentage of the shares of one of the organizations and the percentage is substantially disproportionate to that person's ownership of shares in the other organization.

(b) *Anticompetitive effect* means a monopoly or substantial lessening of competition.

(c) *Area median income* means:

(1) The median family income for the metropolitan statistical area (MSA), if a depository organization is located in an MSA; or

(2) The statewide nonmetropolitan median family income, if a depository organization is located outside an MSA.

(d) *Community* means a city, town, or village, and contiguous or adjacent cities, towns, or villages.

(e) *Contiguous or adjacent cities, towns, or villages* means cities, towns, or villages whose borders touch each other or whose borders are within 10 road miles of each other at their closest points. The property line of an office located in an unincorporated city, town, or village is the boundary line of that city, town, or village for the purpose of this definition.

(f) *Critical* means important to restoring or maintaining a depository organization's safe and sound operations.

(g) *Depository holding company* means a bank holding company or a savings and loan holding company (as more fully defined in section 202 of the Interlocks Act (12 U.S.C. 3201) having its principal office located in the United States.

(h) *Depository institution* means a commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank, or a credit union, chartered under the laws of the United States and having a principal office located in the United States. Additionally, a United States office, including a branch or agency, of a foreign commercial bank is a depository institution.

(i) *Depository institution affiliate* means a depository institution that is an affiliate of a depository organization.

(j) *Depository organization* means a depository institution or a depository holding company.

(k) *District bank* means any State bank operating under the Code of Law of the District of Columbia.

(l) *Low- and moderate-income areas* means census tracts (or, if an area is not in a census tract, block numbering areas delineated by the United States Bureau of the Census) where the median family income is less than 100 percent of the area median income.

(m) *Management official.* (1) The term *management official* means:

(i) A director;

(ii) An advisory or honorary director of a depository institution with total assets of $100 million or more;

(iii) A senior executive officer as that term is defined in 12 CFR 701.14(b)(2), or a person holding an equivalent position regardless of title;

(iv) A branch manager;

(v) A trustee of a depository organization under the control of trustees; and

(vi) Any person who has a representative or nominee serving in any of the capacities in this paragraph (m)(1).

(2) The term *management official* does not include:

(i) A person whose management functions relate exclusively to the business of retail merchandising or manufacturing;

(ii) A person whose management functions relate principally to the

business outside the United States of a foreign commercial bank; or

(iii) A person described in the provisions of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)) (referring to an officer of a State-chartered savings bank, cooperative bank, or trust company that neither makes real estate mortgage loans nor accepts savings).

(n) *Office* means a principal or branch office of a depository institution located in the United States. *Office* does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office.

(o) *Person* means a natural person, corporation, or other business entity.

(p) *Relevant metropolitan statistical area (RMSA)* means an MSA, a primary MSA, or a consolidated MSA that is not comprised of designated primary MSAs to the extent that these terms are defined and applied by the Office of Management and Budget.

(q) *Representative or nominee* means a natural person who serves as a management official and has an obligation to act on behalf of another person with respect to management responsibilities. NCUA will find that a person has an obligation to act on behalf of another person only if the first person has an agreement, express or implied, to act on behalf of the second person with respect to management responsibilities. NCUA will determine, after giving the affected persons an opportunity to respond, whether a person is a *representative or nominee.*

(r) *Total assets.* (1) The term *total assets* means assets measured on a consolidated basis and reported in the most recent fiscal year-end Consolidated Report of Condition and Income.

(2) The term *total assets* does not include:

(i) Assets of a diversified savings and loan holding company as defined by section 10(a)(1)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(F)) other than the assets of its depository institution affiliate;

(ii) Assets of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)) other than the assets of its depository institution affiliate; or

(iii) Assets of offices of a foreign commercial bank other than the assets of its United States branch or agency.

(s) *United States* includes any State or territory of the United States of America, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

§ 711.3 Prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of an unaffiliated depository organization if the depository organizations in question (or a depository institution affiliate thereof) have offices in the same community.

(b) *RMSA.* A management official of a depository organization may not serve at the same time as a management official of an unaffiliated depository organization if the depository organizations in question (or a depository institution affiliate thereof) have offices in the same RMSA and each depository organization has total assets of $20 million or more.

(c) *Major assets.* A management official of a depository organization with total assets exceeding $1 billion (or any affiliate thereof) may not serve at the same time as a management official of an unaffiliated depository organization with total assets exceeding $500 million (or any affiliate thereof), regardless of the location of the two depository organizations.

§ 711.4 Interlocking relationships permitted by statute.

The prohibitions of § 711.3 do not apply in the case of any one or more of the following organizations or to a subsidiary thereof:

(a) A depository organization that has been placed formally in liquidation, or which is in the hands of a receiver, conservator, or other official exercising a similar function;

(b) A corporation operating under section 25 or section 25A of the Federal Reserve Act (12 U.S.C. 601 *et seq.* and 12 U.S.C. 611 *et seq.*, respectively) (Edge Corporations and Agreement Corporations);

(c) A credit union being served by a management official of another credit union;

(d) A depository organization that does not do business within the United States except as an incident to its activities outside the United States;

(e) A State-chartered savings and loan guaranty corporation;

(f) A Federal Home Loan Bank or any other bank organized solely to serve depository institutions (a bankers' bank) or solely for the purpose of providing securities clearing services and services related thereto for depository institutions and securities companies;

(g) A depository organization that is closed or is in danger of closing as determined by the appropriate Federal depository institutions regulatory agency and is acquired by another depository organization. This exemption lasts for five years, beginning on the date the depository organization is acquired; and

(h)(1) A diversified savings and loan holding company (as defined in section 10(a)(1)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(F)) with respect to the service of a director of such company who also is a director of an unaffiliated depository organization if:

(i) Both the diversified savings and loan holding company and the unaffiliated depository organization notify their appropriate Federal depository institutions regulatory agency at least 60 days before the dual service is proposed to begin; and

(ii) The appropriate regulatory agency does not disapprove the dual service before the end of the 60-day period.

(2) The NCUA Board or its designee may disapprove a notice of proposed service if it finds that:

(i) The service cannot be structured or limited so as to preclude an anticompetitive effect in financial services in any part of the United States;

(ii) The service would lead to substantial conflicts of interest or unsafe or unsound practices; or

(iii) The notificant failed to furnish all the information required by NCUA.

(3) The NCUA Board or its designee may require that any interlock permitted under this paragraph (h) be terminated if a change in circumstances occurs with respect to one of the interlocked depository organizations that would have provided a basis for disapproval of the interlock during the notice period.

§ 711.5 Regulatory Standards exemption.

(a) *Criteria.* NCUA may permit an interlock that otherwise would be prohibited by the Interlocks Act and § 711.3 if:

(1) The board of directors of the depository organization (or the organizers of a depository organization being formed) that seeks the exemption provides a resolution to NCUA certifying that the organization, after the exercise of reasonable efforts, is unable to locate any other candidate from the community or RMSA, as appropriate, who:

(i) Possesses the level of expertise required by the depository organization and who is not prohibited from service by the Interlocks Act; and

(ii) Is willing to serve as a management official; and

(2) NCUA, after reviewing an application submitted by the depository organization seeking the exemption, determines that:

(i) The management official is critical to the safe and sound operations of the affected depository organization; and

(ii) Service by the management official will not produce an anticompetitive effect with respect to the depository organization.

(b) *Presumptions.* NCUA applies the following presumptions when reviewing any application for a Regulatory Standards exemption. A proposed management official is critical to the safe and sound operations of a depository institution if:

(1) That official is approved by NCUA to serve as a director or senior executive officer of that institution pursuant to 12 CFR 701.14 or pursuant to conditions imposed on a newly chartered credit union; and

(2) The institution had operated for less than two years, was not in compliance with minimum capital requirements, or otherwise was in a ''troubled condition'' as defined in 12 CFR 701.14 at the time the service under 12 CFR 701.14 was approved.

(c) *Duration of interlock.* An interlock permitted under this section may continue until NCUA notifies the affected depository organizations otherwise. NCUA may require a credit union to terminate any interlock permitted under this section if NCUA concludes, after giving the affected persons the opportunity to respond, that the determinations under paragraph (a)(2) of this section no longer may be made. A management official may continue serving the depository organization involved in the interlock for a period of 15 months following the date of the order to terminate the interlock. NCUA may shorten this period under appropriate circumstances.

§ 711.6 Management Consignment exemption.

(a) *Criteria.* NCUA may permit an interlock that otherwise would be prohibited by the Interlocks Act and § 711.3 if NCUA, after reviewing an application submitted by the depository organization seeking an exemption, determines that the interlock would:

(1) Improve the provision of credit to low- and moderate-income areas;

(2) Increase the competitive position of a minority- or women-owned depository organization;

(3) Strengthen the management of a depository institution that has been chartered for less than two years at the time an application is filed under this part; or

(4) Strengthen the management of a depository institution that is in an unsafe or unsound condition as determined by NCUA on a case-by-case basis.

(b) *Presumptions.* NCUA applies the following presumptions when reviewing any application for a Management Consignment exemption:

(1) A proposed management official is capable of strengthening the management of a depository institution described in paragraph (a)(3) of this section if that official is approved by NCUA to serve as a director or senior executive officer of that institution pursuant to 12 CFR 701.14 or pursuant to conditions imposed on a newly chartered credit union and the institution had operated for less than two years at the time the service under 12 CFR 701.14 was approved; and

(2) A proposed management official is capable of strengthening the management of a depository institution described in paragraph (a)(4) of this section if that official is approved by NCUA to serve as a director or senior executive officer of that institution pursuant to 12 CFR 701.14 and the institution was in a ''troubled condition'' as defined under 12 CFR 701.14 at the time service under that section was approved.

(c) *Duration of interlock.* An interlock granted under this section may continue for a period of two years from the date of approval. NCUA may extend this period for one additional two-year period if the depository organization applies for an extension at least 30 days before the current exemption expires and satisfies one of the criteria specified in paragraph (a) of this section. The provisions set forth in paragraph (b) of this section also apply to applications for extensions.

§ 711.7 Change in circumstances.

(a) *Termination.* A management official shall terminate his or her service or apply for an exemption to the Interlocks Act if a change in circumstances causes the service to become prohibited under that Act. A change in circumstances may include, but is not limited to, an increase in asset size of an organization, a change in the delineation of the RMSA or community, the establishment of an office, an acquisition, a merger, a consolidation, or any reorganization of the ownership structure of a depository organization that causes a previously permissible interlock to become prohibited.

(b) *Transition period.* A management official described in paragraph (a) of this section may continue to serve the depository organization involved in the interlock for 15 months following the date of the change in circumstances. NCUA may shorten this period under appropriate circumstances.

§ 711.8 Enforcement.

Except as provided in this section, NCUA administers and enforces the Interlocks Act with respect to federally insured credit unions, and may refer any case of a prohibited interlocking relationship involving these entities to the Attorney General of the United States to enforce compliance with the Interlocks Act and this part.

[FR Doc. 96–24459 Filed 9–26–96; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 868, 870, 872, 876, 880, 882, 884, 888, and 890

[Docket No. 95N–0084]

RIN 0910–AA31

Medical Devices; Effective Date of Requirement for Premarket Approval for Class III Preamendments Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule to require the filing of a premarket approval application (PMA) or a notice of completion of product development protocol (PDP) for 41 class III medical devices. The agency has summarized its findings regarding the degree of risk of illness or injury designed to be eliminated or reduced by requiring the devices to meet the statute's approval requirements and the benefits to the public from the use of the devices.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Melpomeni K. Jeffries, Center for Devices and Radiological Health (HFZ–404), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2186.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of May 6, 1994 (59 FR 23731), FDA issued a notice of availability of a preamendments class III devices strategy document. The strategy document set forth FDA's plans for implementing the provisions of section 515(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(i)) for preamendments class III devices for which FDA had not yet required premarket approval. FDA divided the devices into three groups as referenced in the May 6, 1994, notice.

In the Federal Register of September 7, 1995 (60 FR 46718), FDA published a proposed rule to require the filing under section 515(b) of the act of a PMA or a notice of completion of a PDP for 43 class III medical devices. In accordance with section 515(b)(2)(A) of the act, FDA included in the preamble to the proposal the agency's proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by requiring the device to meet the premarket approval requirements of the act, and the benefits to the public from use of the device (60 FR 46718 at 46743). The September 7, 1995, proposed rule also provided an opportunity for interested persons to submit comments on the proposed rule and the agency's proposed findings. Under section 515(b)(2)(B) of the act, FDA provided an opportunity for interested persons to request a change in the classification of the device based on new information relevant to its classification. Any petition requesting a change in the classification of the 43 class III devices was required to be submitted by September 22, 1995. The comment period closed on January 5, 1996.

FDA received two citizens petitions requesting a change in the classification for the Automated Cell Counting Devices and the Obstetric Data Analyzer from class III to class II or I. FDA reviewed the petitions and identified the deficiencies in each one and followed up with a deficiency letter on January 16, 1996, for the Automated Cell Counting Devices, and on March 7, 1996, for the Obstetric Data Analyzer. FDA will make a decision on whether to finalize the rule to require PMA's for these devices after reviewing any additional information submitted in support of reclassification.

II. Findings With Respect to Risks and Benefits

Under section 515(b)(3) of the act, FDA is adopting the findings as published in the proposed rule of September 7, 1995. As required by section 515(b) of the act, FDA published its findings regarding: (1) The degree of risk of illness or injury designed to be eliminated or reduced by requiring that these devices have an approved PMA or a declared completed PDP; and (2) the benefits to the public from the use of the device.

These findings are based on the reports and recommendations of the advisory committees (panels) for the classification of these devices along with any additional information that FDA discovered. Additional information can be found in the proposed and final rules classifying these devices as listed below:

Devices	Proposed rule	Final rule
Anesthesiology 1982 (21 CFR part 868).	November 2, 1979 (44 FR 63292).	July 16, 1982 (47 FR 31130).
Cardiovascular (21 CFR part 870).	March 9, 1979 (44 FR 13284).	February 5, 1980 (45 FR 7904).
Dental (21 CFR part 872).	December 30, 1980 (45 FR 85962).	August 12, 1987 (52 FR 30082).
Gastroenterology-Urology (21 CFR part 876).	January 23, 1981 (46 FR 7562).	November 23, 1983 (48 FR 53012).
General Hospital and Personal Use (21 CFR part 880).	August 24, 1979 (44 FR 49844).	October 21, 1980 (45 FR 69678).
Neurological (21 CFR part 882).	November 28, 1978 (43 FR 55640).	September 4, 1979 (44 FR 51726).
Obstetrical and Gynecological.	April 3, 1979 (44 FR 19894).	February 26, 1980 (45 FR 12682).
Orthopedic (21 CFR part 888).	July 2, 1982 (47 FR 29052).	September 4, 1987 (52 FR 33686).
Physical Medicine (21 CFR part 890).	August 28, 1979 (44 FR 50458).	November 23, 1983 (48 FR 53032).

III. Final Rule

Under section 515(b)(3) of the act, FDA is adopting the findings as published in the preamble to the proposed rule and is issuing this final rule to require premarket approval of the generic type of devices for class III preamendments devices by revising parts 868, 870, 872, 876, 880, 882, 884, 888, and 890 (21 CFR parts 868, 870, 872, 876, 880, 882, 884, 888, and 890).

Under the final rule, a PMA or a notice of completion of a PDP is required to be filed with FDA within 90 days of the effective date of this regulation for any of these class III preamendment devices that were in commercial distribution before May 28, 1976, or any device that FDA has found to be substantially equivalent to such a device on or before December 26, 1996. An approved PMA or declared completed PDP is required to be in effect for any such device on or before 180 days after FDA files the application. Any other class III preamendment device subject to this rule that was not in commercial distribution before May 28, 1976, or that FDA has not found, on or before December 26, 1996, to be substantially equivalent to any class III preamendment device that was in commercial distribution before May 28, 1976, is required to have an approved PMA or declared completed PDP in effect before it may be marketed.

If a PMA or notice of completion of a PDP for any of these class III preamendment devices is not filed on or before December 26, 1996, that device will be deemed adulterated under section 501(f)(1)(A) of the act (21 U.S.C. 351(f)(1)(A)), and commercial distribution of the device will be required to cease immediately. The device may, however, be distributed for investigational use, if the requirements of the investigational device exemption (IDE) regulations (part 812 (21 CFR part 812)) are met.

Under § 812.2(d) of the IDE regulations, FDA hereby stipulates that the exemptions from the IDE requirements in § 812.2(c)(1) and (c)(2) will no longer apply to clinical investigations of these class III preamendment devices. Further, FDA concludes that investigational class III preamendment devices subject to this rule are significant risk devices as defined in § 812.3(m) and advises that as of the effective date of parts 868, 870, 872, 876, 880, 882, 884, 888, and 890 requirements of the IDE regulations regarding significant risk devices will apply to any clinical investigation of these class III preamendment devices. For any of these class III preamendment devices that is not subject to a timely filed PMA or notice of completion of a PDP or notice of completion of a PDP, an IDE must be in effect under § 812.20 on or before December 26, 1996, or distribution of the device for investigational purposes must cease. FDA advises all persons currently sponsoring a clinical investigation involving any of these class III preamendment devices to submit an IDE application to FDA no later than 60 days after the effective date of this regulation, to avoid the interruption of ongoing investigations.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) and (e)(4) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. As noted above, FDA published a notice of availability of a preamendments strategy, which identified these devices as ones that FDA believed were no longer being marketed. Following publication of that notice and following publication of the proposed rule upon which this final rule is based, FDA did not receive any comments stating that there was any interest in marketing these 41 devices. Therefore, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

List of Subjects

21 CFR Parts 868, 870, 872, 876, 880, 882, 884, 888, and 890

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 868, 870, 872, 876, 880, 882, 884, 888, and 890 are amended as follows:

PART 868—ANESTHESIOLOGY DEVICES

1. The authority citation for 21 CFR part 868 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

2. Section 868.5400 is amended by revising paragraph (c) to read as follows:

§ 868.5400 Electroanesthesia apparatus.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any electroanesthesia apparatus that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an electroanesthesia apparatus that was in commercial distribution before May 28, 1976. Any other electroanesthesia apparatus shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 870—CARDIOVASCULAR DEVICES

3. The authority citation for 21 CFR part 870 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

4. Section 870.1350 is amended by revising paragraph (c) to read as follows:

§ 870.1350 Catheter balloon repair kit.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any catheter balloon repair kit that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a catheter balloon repair kit that was in commercial distribution before May 28, 1976. Any other catheter balloon repair kit shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

5. Section 870.1360 is amended by revising paragraph (c) to read as follows:

§ 870.1360 Trace microsphere.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any trace microsphere that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a trace microsphere that was in commercial distribution before May 28, 1976. Any other trace microsphere shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

6. Section 870.3850 is amended by revising paragraph (c) to read as follows:

§ 870.3850 Carotid sinus nerve stimulator.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any carotid sinus nerve stimulator that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a carotid sinus nerve stimulator that was in commercial distribution before May 28, 1976. Any other carotid sinus nerve stimulator shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

7. Section 870.5300 is amended by revising paragraph (c) to read as follows:

§ 870.5300 DC-defibrillator (including paddles).

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any DC-defibrillator (including paddles) described in paragraph (b)(1) of this section that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a DC-defibrillator (including paddles) described in paragraph (b)(1) of this section that was in commercial distribution before May 28, 1976. Any other DC-defibrillator (including paddles) described in paragraph (b)(1) of this section shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

PART 872—DENTAL DEVICES

8. The authority citation for 21 CFR part 872 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

9. Section 872.3400 is amended by revising paragraph (c) to read as follows:

§ 872.3400 Karaya and sodium borate with or without acacia denture adhesive.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any karaya and sodium borate with or without acacia denture adhesive that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a karaya and sodium borate with or without acacia denture adhesive that was in commercial distribution before May 28, 1976. Any other karaya and sodium borate with or without acacia denture adhesive shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

10. Section 872.3420 is amended by revising paragraph (c) to read as follows:

§ 872.3420 Carboxymethylcellulose sodium and cationic polyacrylamide polymer denture adhesive.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any carboxymethylcellulose sodium and cationic polyacrylamide polymer denture adhesive that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a carboxymethylcellulose sodium and cationic polyacrylamide polymer denture adhesive that was in commercial distribution before May 28, 1976. Any other carboxymethylcellulose sodium and cationic polyacrylamide polymer denture adhesive shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

11. Section 872.3480 is amended by revising paragraph (c) to read as follows:

§ 872.3480 Polyacrylamide polymer (modified cationic) denture adhesive.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any polyacrylamide polymer (modified cationic) denture adhesive that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a polyacrylamide polymer (modified cationic) denture adhesive that was in commercial distribution before May 28, 1976. Any other polyacrylamide polymer (modified cationic) denture adhesive shall have an approved PMA or a declared completed PDP in effect before being place in commercial distribution.

12. Section 872.3500 is amended by revising paragraph (c) to read as follows:

§ 872.3500 Polyvinylmethylether maleic anhydride (PVM–MA), acid copolymer, and carboxymethylcellulose sodium (NACMC) denture adhesive.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any polyvinylmethylether maleic anhydride (PVM–MA), acid copolymer, and carboxymethylcellulose sodium (NACMC) denture adhesive that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a polyvinylmethylether maleic anhydride (PVM–MA), acid copolymer, and carboxymethylcellulose sodium (NACMC) denture adhesive that was in commercial distribution before May 28, 1976. Any other polyvinylmethylether maleic anhydride (PVM–MA), acid copolymer, and carboxymethylcellulose sodium (NACMC) denture adhesive shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

13. Section 872.3560 is amended by revising paragraph (c) to read as follows:

§ 872.3560 OTC denture reliner.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any OTC denture reliner that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an OTC denture reliner that was in commercial distribution before May 28, 1976. Any other OTC denture reliner shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

14. Section 872.3820 is amended by revising paragraph (c) to read as follows:

§ 872.3820 Root canal filling resin.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any root canal filling resin described in paragraph (b)(2) of this section that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a root canal filling resin described in paragraph (b)(2) of this section that was in commercial distribution before May 28, 1976. Any other root canal filling resin shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

15. The authority citation for 21 CFR part 876 is revised to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 522, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371).

16. Section 876.5220 is amended by revising paragraph (c) to read as follows:

§ 876.5220 Colonic irrigation system.

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any colonic irrigation system described in paragraph (b)(2) of this section that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a colonic irrigation system described in paragraph (b)(2) of this section that was in commercial distribution before May 28, 1976. Any other colonic irrigation system shall have an approved PMA in effect before being placed in commercial distribution.

17. Section 876.5270 is amended by revising paragraph (c) to read as follows:

§ 876.5270 Implanted electrical urinary continence device.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any implanted electrical urinary continence device that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an implanted electrical urinary continence device that was in commercial distribution before May 28, 1976. Any other implanted electrical urinary continence device shall have an approved PMA or a declared completed

PDP in effect before being placed in commercial distribution.

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

18. The authority citation for 21 CFR part 880 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

19. Section 880.5760 is amended by revising paragraph (c) to read as follows:

§ 880.5760 Chemical cold pack snakebite kit.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any chemical cold pack snakebite kit that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a chemical cold pack snakebite kit that was in commercial distribution before May 28, 1976. Any other chemical cold pack snakebite kit shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 882—NEUROLOGICAL DEVICES

20. The authority citation for 21 CFR part 882 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

21. Section 882.1825 is amended by revising paragraph (c) to read as follows:

§ 882.1825 Rheoencephalograph.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any rheoencephalograph that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a rheoencephalograph that was in commercial distribution before May 28, 1976. Any other rheoencephalograph shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

22. Section 882.5150 is amended by revising paragraph (c) to read as follows:

§ 882.5150 Intravascular occluding catheter.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any intravascular occluding catheter that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an intravascular occluding catheter that was in commercial distribution before May 28, 1976. Any other intravascular occluding catheter shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

23. Section 882.5850 is amended by revising paragraph (c) to read as follows:

§ 882.5850 Implanted spinal cord stimulator for bladder evacuation.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any implanted spinal cord stimulator for bladder evacuation that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an implanted spinal cord stimulator for bladder evacuation that was in commercial distribution before May 28, 1976. Any other implanted spinal cord stimulator for bladder evacuation shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

24. The authority citation for 21 CFR part 884 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

25. Section 884.2620 is amended by revising paragraph (c) to read as follows:

§ 884.2620 Fetal electroencephalographic monitor.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any fetal electroencephalographic monitor that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a fetal electroencephalographic monitor in commercial distribution before May 28, 1976. Any other fetal electroencephalographic monitor shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

26. Section 884.2685 is amended by revising paragraph (c) to read as follows:

§ 884.2685 Fetal scalp clip electrode and applicator.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any fetal scalp clip electrode and applicator that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a fetal scalp clip electrode and applicator that was in commercial distribution before May 28, 1976. Any other fetal scalp clip electrode and applicator shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

27. Section 884.4250 is amended by revising paragraph (c) to read as follows:

§ 884.4250 Expandable cervical dilator.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any expandable cervical dilator that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an expandable cervical dilator that was in commercial distribution before May 28, 1976. Any other expandable cervical dilator shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

28. Section 884.4270 is amended by revising paragraph (c) to read as follows:

§ 884.4270 Vibratory cervical dilators.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any vibratory cervical dilator that was in commercial

distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a vibratory cervical dilator that was in commercial distribution before May 28, 1976. Any other vibratory cervical dilator shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

29. Section 884.5050 is amended by revising paragraph (c) to read as follows:

§ 884.5050 Metreurynter-balloon abortion system.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any metreurynter-balloon abortion system that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a metreurynter-balloon abortion system that was in commercial distribution before May 28, 1976. Any other metreurynter-balloon abortion system shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

30. Section 884.5225 is amended by revising paragraph (c) to read as follows:

§ 884.5225 Abdominal decompression chamber.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any abdominal decompression chamber that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an abdominal decompression chamber that was in commercial distribution before May 28, 1976. Any other abdominal decompression chamber shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 888—ORTHOPEDIC DEVICES

31. The authority citation for 21 CFR part 888 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c,360e, 360j, 371).

32. Section 888.3120 is amended by revising paragraph (c) to read as follows:

§ 888.3120 Ankle joint metal/polymer non-constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any ankle joint metal/polymer non-constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996, been found to be substantially equivalent to a ankle joint metal/polymer non-constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other ankle joint metal/polymer non-constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

33. Section 888.3180 is amended by revising paragraph (c) to read as follows:

§ 888.3180 Elbow joint humeral (hemi-elbow) metallic uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any elbow joint humeral (hemi-elbow) metallic uncemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to an elbow joint humeral (hemi-elbow) metallic uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other elbow joint humeral (hemi-elbow) metallic uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

34. Section 888.3200 is amended by revising paragraph (c) to read as follows:

§ 888.3200 Finger joint metal/metal constrained uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any finger joint metal/metal constrained uncemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a finger joint metal/metal constrained uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other finger joint metal/metal constrained uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

35. Section 888.3210 is amended by revising paragraph (c) to read as follows:

§ 888.3210 Finger joint metal/metal constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any finger joint metal/metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a finger joint metal/metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other finger joint metal/metal constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

36. Section 888.3220 is amended by revising paragraph (c) to read as follows:

§ 888.3220 Finger joint metal/polymer constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any finger joint metal/polymer constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a finger joint metal/polymer constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other finger joint metal/polymer constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

37. Section 888.3300 is amended by revising paragraph (c) to read as follows:

§ 888.3300 Hip joint metal constrained cemented or uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any hip joint metal constrained cemented or uncemented

prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a hip joint metal constrained cemented or uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other hip joint metal constrained cemented or uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

38. Section 888.3310 is amended by revising paragraph (c) to read as follows:

§ 888.3310 Hip joint metal/polymer constrained cemented or uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any hip joint metal/polymer constrained cemented or uncemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a hip joint metal/polymer constrained cemented or uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other hip joint metal/polymer constrained cemented or uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

39. Section 888.3370 is amended by revising paragraph (c) to read as follows:

§ 888.3370 Hip joint (hemi-hip) acetabular metal cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any hip joint (hemi-hip) acetabular metal cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a hip joint (hemi-hip) acetabular metal cemented prosthesis that was in commercial distribution before May 28, 1976. Any other hip joint metal (hemi-hip) acetabular metal cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

40. Section 888.3380 is amended by revising paragraph (c) to read as follows:

§ 888.3380 Hip joint femoral (hemi-hip) trunnion-bearing metal/polyacetal cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any hip joint femoral (hemi-hip) trunnion-bearing metal/polyacetal cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a hip joint femoral (hemi-hip) trunnion-bearing metal/polyacetal cemented prosthesis that was in commercial distribution before May 28, 1976. Any other hip joint femoral (hemi-hip) trunnion-bearing metal/polyacetal cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

41. Section 888.3480 is amended by revising paragraph (c) to read as follows:

§ 888.3480 Knee joint femorotibial metallic constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any knee joint femorotibial metallic constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a knee joint femorotibial metallic constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other knee joint femorotibial metallic constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

42. Section 888.3540 is amended by revising paragraph (c) to read as follows:

§ 888.3540 Knee joint patellofemoral polymer/metal semi-constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any knee joint patellofemoral polymer/metal semi-constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a knee joint patellofemoral polymer/metal semi-constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other knee joint patellofemoral polymer/metal semi-constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

43. Section 888.3550 is amended by revising paragraph (c) to read as follows:

§ 888.3550 Knee joint patellofemorotibial polymer/metal/metal constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any knee joint patellofemorotibial polymer/metal/metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a knee joint patellofemorotibial polymer/metal/metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other knee joint patellofemorotibial polymer/metal/metal constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

44. Section 888.3570 is amended by revising paragraph (c) to read as follows:

§ 888.3570 Knee joint femoral (hemi-knee) metallic uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required*. A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any knee joint femoral (hemi-knee) metallic uncemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a knee joint femoral (hemi-knee) metallic uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other knee joint femoral (hemi-knee) metallic uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

45. Section 888.3580 is amended by revising paragraph (c) to read as follows:

§ 888.3580 Knee joint patellar (hemi-knee) metallic resurfacing uncemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any knee joint patellar (hemi-knee) metallic resurfacing uncemented prosthesis described in paragraph (b)(2) of this section that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a knee joint patellar (hemi-knee) metallic resurfacing uncemented prosthesis that was in commercial distribution before May 28, 1976. Any other knee joint patellar (hemi-knee) metallic resurfacing uncemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

46. Section 888.3640 is amended by revising paragraph (c) to read as follows:

§ 888.3640 Shoulder joint metal/metal or metal/polymer constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any shoulder joint metal/metal or metal/polymer constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a shoulder joint metal/metal or metal/polymer constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other shoulder joint metal/metal or metal/polymer constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

47. Section 888.3680 is amended by revising paragraph (c) to read as follows:

§ 888.3680 Shoulder joint glenoid (hemi-shoulder) metallic cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any shoulder joint glenoid (hemi-shoulder) metallic cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a shoulder joint glenoid (hemi-shoulder) metallic cemented prosthesis that was in commercial distribution before May 28, 1976. Any other shoulder joint glenoid (hemi-shoulder) metallic cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

48. Section 888.3790 is amended by revising paragraph (c) to read as follows:

§ 888.3790 Wrist joint metal constrained cemented prosthesis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any wrist joint metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a wrist joint metal constrained cemented prosthesis that was in commercial distribution before May 28, 1976. Any other wrist joint metal constrained cemented prosthesis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

PART 890—PHYSICAL MEDICINE DEVICES

49. The authority citation for 21 CFR part 890 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

50. Section 890.3610 is amended by revising paragraph (c) to read as follows:

§ 890.3610 Rigid pneumatic structure orthosis.

* * * * *

(c) *Date PMA or notice of completion of a PDP is required.* A PMA or a notice of completion of a PDP is required to be filed with the Food and Drug Administration on or before December 26, 1996 for any rigid pneumatic structure orthosis that was in commercial distribution before May 28, 1976, or that has, on or before December 26, 1996 been found to be substantially equivalent to a rigid pneumatic structure orthosis that was in commercial distribution before May 28, 1976. Any other rigid pneumatic structure orthosis shall have an approved PMA or a declared completed PDP in effect before being placed in commercial distribution.

Dated: September 9, 1996.

D.B. Burlington,

Director, Center for Devices and Radiological Health.

[FR Doc. 96–24753 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–01–F

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule; extension of sunset provision.

SUMMARY: The Occupational Safety and Health Review Commission has determined that additional time is necessary to properly evaluate the efficacy of its pilot E–Z Trial program. Accordingly, the Review Commission is amending the ''sunset'' provisions of the Commissions ''E–Z Trial'' rules to extend the pilot program and additional six months.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT:

Earl R. Ohman, Jr., General Counsel, (202) 606–5410.

SUPPLEMENTARY INFORMATION: On August 14, 1995 the Occupational Safety and Health Review Commission published in the Federal Register (60 FR 41805) new procedural rules for a pilot program designed to simplify and accelerate adjudication for cases that warrant a less formal, less costly process. Designated ''E–Z Trial,'' the pilot program was to run for one year, terminating on September 30, 1996. A ''sunset'' provision was inserted into the rules to effectively end the program on that date unless extended by the Commission by final rule published in the Federal Register. 29 CFR § 2200.201(b).

While the Review Commission is pleased with the progress of the pilot program, as the end of the one-year period approaches, the Review Commission has concluded that an additional six months is necessary to fully evaluate E–Z Trial and to determine what, if any, amendments are necessary. Accordingly, the Commission is revising § 2200.201(b) to extend the pilot program through March 31, 1997.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedures, Hearing and appeal procedures.

For the reasons set forth in the preamble, Title 29, Chapter XX, Part 2200, Subpart M of the Code of Federal Regulations is amended as follows:

PART 2200—RULES OF PROCEDURE

1. The authority citation continues to read as follows:

Authority: 29 U.S.C. 661(g).

2. Section 2200.201 is amended by revising paragraph (b) to read as follows:

§ 2200.201 [Amended]

* * * * *

(b) *Sunset Provision.* Section 2200.203(a), which permits the Chief Administrative Law Judge to assign a case for E–Z Trial, will no longer be effective after March 31, 1997 unless the rule is extended by the Commission by publication of a final rule in the Federal Register. After March 31, 1997, a case will only be assigned to E–Z Trial if the assignment is requested by a party.

Dated: September 20, 1996.

Stuart E. Weisberg,

Chairman.

Dated: September 20, 1996.

Velma Montoya,

Commissioner.

Dated: September 20, 1996.

Daniel Guttman,

Commissioner.

[FR Doc. 96–24696 Filed 9–26–96; 8:45 am]

BILLING CODE 7600–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–96–008]

Drawbridge Operation Regulations; Grand River, MI

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations with request for comments.

SUMMARY: The Coast Guard has authorized a temporary deviation to the regulations governing the operations of the U.S. Route 31 highway bridge, mile 2.9 over the Grand River in Grand Haven, MI. This action was requested by the City of Grand Haven to reduce the effects of bridge openings on vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: The effective date of this temporary deviation is August 5, to October 15, 1996. Comments must be received on or before October 30, 1996.

ADDRESSES: Documents concerning this regulation are available for inspection and copying at and comments may be mailed or delivered to 1240 East Ninth Street, Room 2019B, Cleveland, OH 44199–2060 between 6:30 a.m. and 3:00 p.m., Monday through Friday, except federal holidays. The telephone number is (216) 522–3993.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bloom, Project Manager, Bridge Branch at (216) 522–3993.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. Robert Bloom, Project Manager, and Lieutenant Commander Charles Dahill, Project Counsel, Ninth Coast Guard District.

Request for Comments

The Coast Guard encourages interested persons to submit written data, or arguments for or against this deviation. Persons submitting comments should include their name, address, identify this rulemaking (CGD09–96–008) and give the reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped self-addressed post card or envelope. Persons may submit comment by writing to the Commander (obr), Ninth Coast Guard District listed under **ADDRESSES**.

Background and Purpose

The City of Grand Haven, MI, has requested the Coast Guard approve a temporary deviation to the regulations which govern the U.S. Route 31 highway bridge at mile 2.9 over the Grand River in Grand Haven, MI. The bridge presently opens on signal from 3 minutes before to 3 minutes after the hour and a half hour between 6:03 a.m. and 9:03 p.m. Because of consistent traffic volumes throughout the day and the low amount of requests to open the bridge, the City has requested the bridge be permitted to not open during early morning, midday, and afternoon periods when rush hour traffic is greatest. Additionally, the City has requested a reduction in required openings from every half hour to once an hour, on the half-hour. The commander, Ninth Coast Guard District, has given consideration to the City's request and the data provided have merit to support a temporary deviation to the operating regulations to determine feasibility for a permanent change.

The District Commander granted the City of Grand Haven, MI a temporary deviation from the operating requirements listed in 33 CFR 117.633 paragraph (c)(3) governing the U.S. Route 31 highway bridge over the Grand River. This deviation from normal operating regulations is authorized in accordance with the provisions of 33 CFR 117.43 for the purpose of evaluating possible changes to the permanent regulations. Under this deviation, the U.S. Route 31 highway bridge operated by the City of Grand Haven shall open on signal from August 5, 1996 to October 15, 1996 from 6:00 a.m. to 9:00 p.m., once an hour from 3 minutes before to 3 minutes after the half-hour. The bridge need not open for the passage of vessels during the three minutes before to three minutes after the half-hour time frames at 7:30 a.m., 12:30 p.m., 4:30 p.m., or 5:30 p.m.

Dated: July 31, 1996.

G. F. Woolever,

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

[FR Doc. 96–24862 Filed 9–26–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Parts 74 and 80

Education Department's General Administrative Regulations; Cost Principles for Educational Institutions and Audits of Institutions of Higher Education and Other Non-Profit Institutions

AGENCY: Department of Education.

ACTION: Applicability of revised OMB circulars.

SUMMARY: The Secretary announces the applicability of revised Office of Management and Budget (OMB) Circular A–21, ''Cost Principles for Educational Institutions,'' as revised by OMB in the Federal Register of May 8, 1996 (61 FR 20880) and Circular A–133, ''Audits of Institutions of Higher Education and Other Non-Profit Institutions,'' revised by OMB in the Federal Register of April 30, 1996 (61 FR 19134).

DATES: The revised circulars are applicable for new and continuation grants and subgrants awarded on or after October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Kevin Taylor, U.S. Department of Education, 600 Independence Avenue, SW., room 3636, ROB–3, Washington

DC 20202–4248. Telephone: (202) 708–8558. 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: On July 6, 1994 (59 FR 34722), the Secretary published a revision to Part 74—Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations. Also, on March 11, 1988 (53 FR 8071), the Secretary published a new Part 80—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. These documents established OMB Circular A–21 as the cost principles used by the Department of Education for educational institutions (34 CFR 74.27, 80.22).

After publishing proposed revisions on February 6, 1995 (60 FR 7104), OMB published amendments to Circular A–21 on May 8, 1996 (61 FR 20880). This notice adopts for 34 CFR Parts 74 and 80 the changes made by OMB on that date. The changes adopted in this announcement bind all recipients of Department grants and cooperative agreements to the requirements of Circular A–21 as amended through May 8, 1996. These cost principles apply to educational institutions, except to the extent program regulations or the Department's administrative regulations require a different outcome.

OMB Circular A–21 was originally published in the Federal Register on March 6, 1979 (44 FR 12368). It has been amended several times prior to the amendment made on May 8, 1996, as follows: on August 3, 1982 (47 FR 33658), on June 9, 1986 (51 FR 20908), on December 2, 1986 (51 FR 43487), on October 3, 1991 (56 FR 50224), and on July 26, 1993 (58 FR 39996).

On January 16, 1991, the Secretary published amendments to 34 CFR Parts 74 and 80 to adopt OMB Circular A–133, ''Audits of Institutions of Higher Education and Other Nonprofit Organizations,'' as published in the Federal Register on March 16, 1990 (55 FR 10019). After publishing proposed revisions on March 17, 1995 (60 FR 14594), OMB published in the Federal Register on April 30, 1996 (61 FR 19134), a revised Circular A–133. OMB Circular A–133 establishes a uniform system of auditing for institutions of higher education and other non-profit organizations. There have been no major revisions to this Circular until now. The Circular, as amended April 30, 1996, is adopted by the Department. OMB Circular A–133 is cited in Sections 74.26 and 80.26 of the Education Department General Administrative Regulations.

Both circulars are available by calling OMB's Publication Office at (202) 395–7332, or they can be obtained in electronic form on the OMB Home Page at (http://www.whitehouse.gov).

Waiver of Notice and Comment

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed actions in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since OMB previously provided the public an opportunity for comment on the revision of Circulars A–21 and A–133, the Secretary finds that soliciting further public comment with respect to adopting the revised circulars is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). For the same reasons, the Secretary waives delayed effective date under 5 U.S.C. 553(d).

(Catalog of Federal Domestic Assistance Number does not apply.)

Mitchell L. Laine,

Acting Chief Financial Officer.

[FR Doc. 96–24725 Filed 9–26–96; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA49–1–7122; WA37–1–6853; OR52–1–7267; FRL–5601–6]

Approval and Promulgation of Implementation Plans: Washington and Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to procedures described in the January 19, 1989 Federal Register, EPA recently approved a number of minor State Implementation Plan (SIP) revisions submitted by the Washington Department of Ecology (WDOE) and the Oregon Department of Environmental Quality (ODEQ). These revisions included; local air pollution control regulations submitted by WDOE from the Puget Sound Air Pollution Control Agency (PSAPCA) which adjust civil penalty and registration fee amounts to cover program costs and which update delegations for Federal New Source Performance Standards (NSPS) and National Emission Standard for Hazardous Air Pollutants (NESHAPS); the repeal of two WDOE regulations which have no adverse impact on air quality; and a revision from ODEQ to better define existing air quality control regions and nonattainment and maintenance areas of Oregon (the revision did not change any existing boundaries). This document lists the revisions EPA approved and incorporates the relevant material into the Code of Federal Regulations.

EFFECTIVE DATE: September 27, 1996.

ADDRESSES: Copies of Washington's and Oregon's State SIP revision requests and EPA's letter notices of approval are available for public inspection during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, WA 98101; WDOE, 300 Desmond Drive, Lacey, WA 98504–8711; and ODEQ, 811 SW 6th Ave., Portland, OR 97204–1390.

FOR FURTHER INFORMATION CONTACT: Montel Livingston, Office of Air Quality, EPA, Seattle, WA, (206) 553–0180.

SUPPLEMENTARY INFORMATION: EPA Region 10 has approved the following minor SIP revision requests under section 110(a) of the Act:

State	Subject matter	Date of submission	Date of approval
WA	Amendment to SIP affecting PSAPCA's regulation I and regulation II—adjusts civil penalty and registration fee amounts for inflation, and updates delegation of federal NSPS and NESHAPS.	12–27–95	1–25–96
WA	Amendment to SIP to repeal two state regulations: Chapter 173–402 and Chapter 173–440	1–26–95	3–20–96
OR	Amendment to SIP which better defines the air quality control regions and nonattainment and maintenance areas of Oregon.	9–20–95	2–29–96

The repeal request from WDOE affected two state regulations, Chapter 173–402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173–440 WAC Sensitive Areas. The repeal of Chapter 173–402 WAC did not affect the state of the law, and the repeal of Chapter 173–440 WAC did not have an adverse impact on air quality as a result of emission increases at affected wigwam burners.

EPA has determined that each of these SIP revisions complies with all applicable requirements of the Act and EPA policy and regulations concerning such revisions. Due to the minor nature of these revisions, EPA concluded that conducting notice-and-comment rulemaking prior to approving the revisions would have been ''unnecessary and contrary to the public interest,'' and hence, was not required by the Administrative Procedure Act, 5 U.S.C. section 553(b). Each of these SIP approvals became final and effective on the date of EPA approval as listed in the chart above.

Administrative Requirements

Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Regulatory Flexibility Act

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

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Submission to Congress and the General Accounting Office

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

Petitions for Judicial Review

Under section 307(b)(1) of the Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit by November 26, 1996. These actions may not be challenged later in proceedings to enforce their requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 15, 1996.

Charles Findley,

Acting Regional Administrator.

Note: Incorporation by reference of the Implementation Plans for the States of Washington and Oregon were approved by the Director of the Office of Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(64) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(64) Minor revisions consisting of amended regulations affecting WDOE and a local air agency, PSAPCA, were submitted to EPA from WDOE for inclusion into the Washington SIP.

(i) Incorporation by Reference.

(A) Letters dated January 26, 1995 and December 27, 1995 from the Director of the WDOE to the EPA Regional Administrator which included deletion of two regulations from the Washington SIP (Chapter 173–402 WAC Civil Sanctions under Washington Clean Air Act, and Chapter 173–440 WAC Sensitive Areas), adopted on February 1, 1995, and the following revisions to PSAPCA's regulations for inclusion into the SIP: Regulation I, Section 3.11 Civil Penalties, Section 5.07 Registration Fees, and Section 5.11 Registration of Oxygenated Gasoline Blenders; and Regulation III, Section 1.01 Policy, all adopted on September 14, 1995.

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(115) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(115) A minor revision consisting of clarification of existing air quality control regions and nonattainment and

maintenance areas of Oregon (the revision did not change any existing boundaries) was submitted to EPA from ODEQ for inclusion into the Oregon SIP.

(i) Incorporation by Reference.

(A) Letter dated September 20, 1995 from the Director of the ODEQ to the EPA Regional Administrator submitting a revision to better define Oregon's existing air quality boundaries found in State regulations OAR 340–23–065 through 340–23–075 (Rules for Open Burning), OAR 340–31–120 (Air Pollution Control Standards for Air Purity and Quality), and OAR 340–31–500 through 340–31–530 (The Air Quality Control Regions and Nonattainment and Maintenance Areas of Oregon), effective May 25, 1995.

[FR Doc. 96–24526 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MD033–7157a; FRL–5603–1]

Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Maryland State Implementation Plan (SIP) which pertains to the 1990 base year emission inventory for the marginal and severe ozone nonattainment areas within the state. The ozone nonattainment areas consist of the counties of Cecil, Ann Arundel, Baltimore City, Baltimore, Carroll, Harford, and Howard (all severe); Queen Anne's and Kent (both marginal). The SIP was submitted by the Maryland Department of the Environment (MDE) for the purpose of establishing the 1990 baseline emissions contributing to the ozone nonattainment problems in Maryland. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective November 26, 1996 unless notice is received on or before October 28, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to David Arnold, Section Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566–2182, at the EPA Region III office, or via e-mail at quinto.rose@epamail. epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:

Background

Under the 1990 Clean Air Act Amendments (CAAA), states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAAA requires ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce VOC emissions by 15 percent within six years after 1990 (15% plan). The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the 1990 base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditable towards the 15% plan. The 1990 base year emission inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress (RFP) projection inventory, and the modeling inventory are derived. Further information on these inventories and their purpose can be found in the ''Emission Inventory Requirements for Ozone State Implementation Plans,'' Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. The 1990 base year inventory may also serve as part of statewide inventories for purposes of regional modeling in transport areas. The 1990 base year inventory plays an important role in modeling demonstrations for areas classified as moderate and above that are located outside transport regions.

The air quality planning requirements for marginal to extreme ozone nonattainment areas are set out in section 182(a)-(e) of Title I of the CAAA. EPA has issued a General Preamble describing EPA's preliminary views on how EPA intends to review SIP revisions submitted under Title I of the CAAA, including requirements for the preparation of the 1990 base year inventory [see 57 FR 13502; April 16, 1992 and 57 FR 18070; April 28, 1992]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Maryland ozone 1990 base year emissions inventory, EPA is applying its interpretations taking into consideration the specific factual issues presented.

Those states containing ozone nonattainment areas classified as marginal to extreme are required under section 182(a)(1) of the CAAA to submit a final, comprehensive, accurate, and current inventory of actual ozone season, weekday emissions from all sources by November 15, 1992. This inventory is for calendar year 1990 and is denoted as the 1990 base year inventory. It includes both anthropogenic and biogenic sources of volatile organic compound (VOC), nitrogen oxides (NO_X), and carbon monoxide (CO). The inventory is to address actual VOC, NO_X, and CO emissions for the area during the peak ozone season, which is generally comprised of the summer months. All stationary point and area sources, as well as highway mobile sources within the nonattainment area, are to be included in the compilation. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Criteria for Inventory Approval

There are general and specific components of an acceptable emission inventory. In general, the state must submit a revision to its SIP and the emission inventory must meet the minimum requirements for reporting by source category. Specifically, the source requirements are detailed below.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the state and assesses whether the emissions were developed according to current EPA guidance. The data quality is also evaluated.

The Level III review process is outlined here and consists of 10 points that the inventory must include. For a base year emission inventory to be

acceptable it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) must be provided and the Quality Assurance (QA) program contained in the IPP must be performed and its implementation documented.

2. Adequate documentation must be provided that enables the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory.

3. The point source inventory must be complete.

4. Point source emissions must be prepared or calculated according to the current EPA guidance.

5. The area source inventory must be complete.

6. The area source emissions must be prepared or calculated according to the current EPA guidance.

7. Biogenic emissions must be prepared according to current EPA guidance or another approved technique.

8. The method (e.g., HPMS or a network transportation planning model) used to develop VMT estimates must follow EPA guidance, which is detailed in the document, ''Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources,'' U.S. Environmental Protection Agency, Office of Mobile Sources and Office of Air Quality Planning and Standards, Ann Arbor, Michigan, and Research Triangle Park, North Carolina, December 1992. The VMT development methods must be adequately described and documented in the inventory report.

9. The MOBILE model (or EMFAC model for California only) must be correctly used to produce emission factors for each of the vehicle classes.

10. Non-road mobile emissions must be prepared according to current EPA guidance for all of the source categories.

The base year emission inventory is approvable if it passes Levels I, II, and III of the review process. Detailed Levels I and II review procedures can be found in the following document; ''Quality Review Guidelines for 1990 Base Year Emission Inventories,'' Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, NC, July 27, 1992. Level III review procedures are specified in a memorandum from David Mobley and G. T. Helms to the Regions, ''1990 O_3/CO SIP Emission Inventory Level III Acceptance Criteria'', October 7, 1992 and revised in a memorandum from John Seitz to the Regional Air Directors, Emission Inventory Issues, dated June 24, 1993.

State Submittal

Maryland Department of the Environment (MDE) submitted a revision to the Maryland SIP on March 21, 1994. The SIP revision consists of 1990 base year emission inventories for the ozone nonattainment areas within the state. In accordance with the requirements of 40 CFR 51.102, public hearings concerning the SIP revision were held on November 4, 8, 9, and 10, 1993 in Westminster, Perryville, Baltimore, and Annapolis, respectively; November 18, 22, and 30, 1993 in Frederick, Prince Frederick, and Silver Spring, respectively.

The Maryland SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). Maryland SIP submittal was found to be complete on June 1, 1994.

EPA Analysis

Based on EPA's level III review findings, Maryland has satisfied all of EPA's requirements for providing a comprehensive, accurate, and current inventory of actual emissions in the ozone nonattainment areas. A summary of EPA's level III findings is given below.

1. The IPP and QA programs was approved by EPA and implemented on August 11, 1992.

2. The documentation was adequate for all emission types (stationary point, area, non-road mobile, on-road mobile and biogenic sources) for the reviewer to determine the estimation procedures and data sources used to develop the inventory.

3. The point source inventory was found to be complete.

4. The point source emissions were estimated according to EPA guidance.

5. The area source inventory was found to be complete.

6. The area source emissions were estimated according to EPA guidance.

7. The biogenic source emissions were estimated using the Biogenic Emission Inventory System (PC-BEIS) in accordance with EPA guidance.

8. The method used to develop VMT estimates was adequately described and documented.

9. The mobile model was used correctly.

10. The non-road mobile emission estimates were correctly prepared in accordance with EPA guidance.

Thus, EPA has determined that Maryland's submittal meets the essential reporting and documentation requirements for an emission inventory.

A summary of the emission inventories broken down by point, area, biogenic, on-road, and non-road mobile sources are presented in the tables below.

NAA	Area source emissions	Point source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
Baltimore Non-Attainment Area Ozone Season Emissions in Tons Per Day						
VOC	127.09	40.33	131.50	45.15	180.09	524.16
NO_X	10.60	231.31	161.20	71.58	N/A	474.69
CO	31.92	376.43	1,182.20	345.36	N/A	1,935.91
Kent/Queen Anne's County Ozone Season Emissions in Tons Per Day						
VOC	9.69	0.24	6.60	3.45	70.71	90.69
NO_X	0.72	0.00	7.30	1.77	N/A	9.79
CO	3.12	0.00	54.10	19.43	N/A	76.65
Cecil County Ozone Season Emissions in Tons Per Day						
VOC	9.23	0.55	7.20	2.02	32.96	51.96
NO_X	1.10	0.00	9.30	2.50	N/A	12.90
CO	32.62	0.00	68.70	11.83	N/A	113.15

EPA has determined that the submittal made by the State of Maryland satisfies the relevant requirements of the CAAA. EPA's detailed review of the emission inventories are contained in a Technical Support Document (TSD) which is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA is approving the SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will become effective November 26, 1996 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on November 26, 1996.

Final Action

EPA is approving revisions to the Maryland SIP to include the 1990 base year emission inventories for the ozone nonattainment areas within the state. The inventories consist of point, area, non-road mobile, biogenics and on-road mobile source emissions for VOC, NO_x and CO.

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

Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify 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 government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Regional Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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 proposed/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 Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

Submission to Congress and the General Accounting Office

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

Petitions for Judicial Review

Under section 307(b)(1) of the CAAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 26, 1996. Filing a petition for reconsideration by the Administrator of this 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 regarding Maryland emission inventory may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 21, 1996.

W. Michael McCabe,

Regional Administrator, Region III.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart V—Maryland

2. Section 52.1075 is added to read as follows:

§ 52.1075 1990 Base Year Emission Inventory

EPA approves as a revision to the Maryland State Implementation Plan the 1990 base year emission inventories for the Maryland ozone nonattainment

areas submitted by the Secretary of Maryland Department of Environment on March 21, 1994. This submittal consists of the 1990 base year point, area, non-road mobile, biogenic and on-road mobile source emission inventories for the following pollutants: volatile organic compounds (VOC), carbon monoxide (CO), and oxides of nitrogen (NO_X).

[FR Doc. 96–24524 Filed 9–26–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 52

[KY81–1–9638; FRL–5607–3]

Approval and Promulgation of Air Quality Implementation Plans; The Commonwealth of Kentucky—Disapproval of the Request to Redesignate the Kentucky Portion of the Cincinnati-Northern Kentucky Moderate Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is disapproving the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet's (Cabinet) request to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate ozone nonattainment area to attainment and the associated maintenance plan as a revision to the state implementation plan (SIP). The EPA determined that the area registered a violation of the ozone national ambient air quality standard (NAAQS). As a result, the Cincinnati-Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS.

EFFECTIVE DATE: September 27, 1996.

ADDRESSES: Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 100 Alabama Street, SW, Atlanta, Georgia 30303–3104.

Division of Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/562–9035. Reference file KY–081–1–9638.

SUPPLEMENTARY INFORMATION: On November 11, 1994, the Cabinet submitted a request to EPA to redesignate the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment. On that date, the Cabinet also submitted a maintenance plan for the area as a revision to the Kentucky SIP.

According to section 107(d)(3)(E) of the Clean Air Act (CAA), 42 U.S.C. 7407(d)(3)(E), redesignation requests must meet five specific criteria in order for EPA to redesignate an area from nonattainment to attainment:

1. The Administrator determines that the area has attained the ozone NAAQS;

2. The Administrator has fully approved the applicable implementation plan for the area under section 110(k);

3. The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollution control regulations and other permanent and enforceable reductions;

4. The Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and

5. The State containing such area has met all requirements applicable to the area under section 110 and part D.

All five criteria must be satisfied in order for EPA to redesignate an area from nonattainment to attainment. Under the first criteria, the Administrator of EPA is prohibited from redesignating an area to attainment when that area has not attained the NAAQS. The CAA requires the area to be in attainment at the time of the final action on the redesignation. If a violation occurs prior to EPA's final action, the area is no longer in attainment and EPA cannot redesignate the area to attainment status.

At the time of the Commonwealth's redesignation submittal in 1994, the Cincinnati-Northern Kentucky area appeared to have attained the NAAQS, based on air quality data monitored from 1992 through 1994. However, during EPA's review of the redesignation request, ambient air quality data indicated that the area had registered a violation of the ozone NAAQS in 1995. This ambient data has been quality assured according to established procedures for validating such monitoring data. The Cabinet does not contest that the area violated the NAAQS for ozone during the 1995 ozone season. As a result, the Cincinnati-Northern Kentucky area does not meet the statutory criteria for redesignation to attainment of the ozone NAAQS found in section 107(d)(3)(E)(i) of the CAA.

The maintenance plan SIP revision is not approvable because its demonstration is based on a level of ozone precursor emissions in the ambient air thought to represent an inventory of emissions that would provide for attainment and maintenance. That underlying basis of the maintenance plan's demonstration is no longer valid due to the violation of the NAAQS that occurred during the 1995 ozone season.

Request for Comments

EPA published a document on April 17, 1996, (61 FR 16738) proposing disapproval of the maintenance plan and redesignation request and soliciting comment on the disapproval and relevant issues. EPA received a number of comments on the proposal. Those comments and the response thereto are summarized below.

Comment #1—The violation of the ozone standard which occurred subsequent to the submission of the request cannot be considered evidence that the area did not achieve the ozone standard, by the very definition of the standard as set forth in the Act and the regulations. The continued designation of the area as nonattainment not only fails to serve a useful purpose, but actually inhibits the broader view of urban ozone pollution that will be necessary to improve air quality. Public acceptance of control implementation may be enhanced under an attainment area contingency plan strategy. This is an additional factor which should not be overlooked as EPA and the states struggle to gain public acceptance of new air quality improvement plans.

Response—The CAA authorizes EPA up to 18 months from submittal to act on a state's request to redesignate. If a violation occurs during the pendency of EPA's review, EPA cannot approve the request since the area would not have remained in attainment. Since only a

final rulemaking can change an area's designation, the area must continue to meet attainment criteria until the final rulemaking is published. In addition, EPA is obligated to consider all relevant data available to it at the time of its decision-making. This means that if EPA has valid data indicating a violation of the ozone standard for the Cincinnati-Northern Kentucky area prior to final rulemaking, it must consider that data in determining whether the area is in attainment. The CAA prohibits a redesignation to attainment if the area is not, in fact, attaining the NAAQS at the time of final rulemaking.

The violation of the ozone standard which occurred after submittal of the Kentucky redesignation request for the Cincinnati-Northern Kentucky area is properly considered data on attainment status. Therefore, EPA is disapproving the redesignation request.

Comment #2—A redesignation to attainment should not be interpreted to mean more than the satisfaction of those provisions mandated in the CAA for the request to be granted.

Response—EPA is not requiring more for a redesignation to attainment than that required by the CAA. Section 107(d)(3)(E)(i) of the CAA states, ''The Administrator may not promulgate a redesignation of a nonattainment area (or portion thereof) to attainment unless the Administrator determines that the area has attained the national ambient air quality standard.'' Once the violation occurred, the Cincinnati-Northern Kentucky area no longer met the statutory criteria for redesignation to attainment of the ozone NAAQS. Therefore, EPA is disapproving the redesignation request.

Comment #3—The approval of the requests will do nothing to inhibit the immediate implementation of emission control programs within the nonattainment area.

Response—Approving the request to redesignate the area to attainment would not guarantee that the area would achieve the NAAQS. Conversely, disapproving the redesignation request in no way prohibits the implementation of emission control programs within the nonattainment area. In fact, disapproval would require the area to meet all the CAA measures for moderate ozone nonattainment areas.

Comment #4—The violation was due to a single exceedance that occurred at a monitoring site in Ohio and should not affect the redesignation of the Kentucky portion of the nonattainment area.

Response—Ozone is a pollutant that is not directly emitted, but is formed from a photochemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in the presence of sunlight. Ozone may be formed as much as 20 miles from where the VOCs and NO_X are emitted and transported even farther. This makes ozone an area-wide problem. The ozone NAAQS is 0.12 parts per million as stated in 40 CFR 50.9. To be considered a violation, a single monitor must exceed this value four times in a three year period. The NAAQS was exceeded for the fourth time in two years at the Lebanon, Ohio site in Warren County Ohio. The fourth exceedance caused the violation, however, two sites in Northern Kentucky also exceeded the standard in this time period. In addition, as indicated above, the CAA states that EPA ''may not promulgate a redesignation of a nonattainment area (or portion thereof) to attainment unless * * * the area has'' attained the standard. Although a violation did not occur in the Kentucky portion of the nonattainment area, a request to redesignate a portion of an area to attainment may not be approved if the entire area does not meet the redesignation requirements.

Comment #5—Before the CAA Amendments of 1990, the U.S. EPA could redesignate an area only after a request by the governor of the state in which it was located. The 1990 amendments provided EPA with the authority to act unilaterally to propose redesignation. This authority will allow the federal agency to respond much more quickly if a state is recalcitrant in implementing or enforcing contingency measures.

Response—The revised CAA does allow EPA to act more quickly to redesignate to nonattainment, however, the Cincinnati-Northern Kentucky area no longer meets the statutory criteria for redesignation to attainment of the ozone NAAQS. The Agency cannot redesignate an area that violates the standard prior to final action on a redesignation request. Therefore, EPA is disapproving the redesignation request.

Final Action

EPA disapproves the Commonwealth's November 11, 1994 redesignation request and maintenance plan SIP revision. The agency has reviewed this request for revision of the Federally-approved SIP for conformance with the provisions of the CAA. The Agency has determined that this action does not conform with the statute as amended and should be disapproved.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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

Regulatory Flexibility Act

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

EPA's denial of the State's redesignation request under section 107(d)(3)(E) does not affect any existing requirements applicable to small entities nor does it impose new requirements. The area retains its current designation status and will continue to be subject to the same statutory requirements. To the extent that the area must adopt regulations, based on its nonattainment status, EPA will review the effect of those actions on small entities at the time the state submits those regulations. Therefore, I certify that denial of the redesignation request will not affect a substantial number of small entities.

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the

program provided for under Section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being disapproved by this action would impose any new requirements. Since such sources are already subject to these regulations under State law, no new requirements are imposed by this disapproval. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

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

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 September 27, 1996. 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

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 15, 1996.

R. F. McGhee,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42.U.S.C. 7401–7671q.

Subpart S—Kentucky

2. Section 52.930 is amended by adding paragraph (c) to read as follows:

§ 52.930 Control strategy: Ozone.

* * * * *

(c) The redesignation request submitted by the Commonwealth of Kentucky, on November 11, 1994, for the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment was disapproved on September 27, 1996.

[FR Doc. 96–24858 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 281

[FRL–5614–6]

Delaware; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Delaware's application for program approval.

SUMMARY: The State of Delaware has applied for approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of Delaware's application and has made a final determination that the State of Delaware's underground storage tank program satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the State of Delaware to operate its program.

EFFECTIVE DATE: Program approval for Delaware shall be effective on October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Joanne T. Cassidy, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566–3381.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. To qualify for approval, a State's program must be ''no less stringent'' than the Federal program in all seven elements set forth at section 9004(a) (1) through (7) of RCRA, 42 U.S.C. 6991c(a) (1) through (7), as well as the notification requirements of section 9004(a)(8) of RCRA, 42 U.S.C. 6991c(a)(8) and must provide for adequate enforcement of compliance with UST standards (section 9004(a) of RCRA, 42 U.S.C. 6991c(a)).

On November 20, 1995, the State of Delaware submitted an official application for approval to administer its underground storage tank program. On August 5, 1996, EPA published a tentative decision announcing its intent to approve Delaware's program. Further background on the tentative decision to grant approval appears at 61 FR 40592, (August 5, 1996).

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel the public hearing in the event of insufficient public interest. Since there was no request, the public hearing was cancelled.

B. Final Decision

I conclude that the State of Delaware's application for program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA and 40 CFR Part 281. Accordingly, Delaware is granted approval to operate its underground storage tank program in lieu of the Federal program.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this action from the requirements of Section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a ''Federal mandate'' and because it does not impose annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional

enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Delaware program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. Delaware's participation in an authorized UST program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Delaware program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's 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 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of Section 9004 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6991c.

Dated: September 13, 1996.

Stanley L. Laskowski,

Regional Administrator.

[FR Doc. 96–24585 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 1, 2, 4, 5, 6, 10, 12, 14, 16, 25, 28, 30, 31, 32, 33, 34, 35, 39, 42, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 69, 71, 75, 76, 77, 91, 92, 93, 94, 95, 96, 97, 98, 107, 108, 109, 110, 114, 125, 126, 127, 128, 130, 131, 134, 147, 147A, 148, 150, 151, 153, 154, 159, 160, 161, 162, 164, 167, 169, 170, 174, 175, 182, 184, 188, 189, 190, 193, 195, 197, 199, and 401

[CGD 96–041]

RIN 2115–AF34

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends Title 46, Code of Federal Regulations to reflect recent agency organizational changes. It also makes editorial changes throughout the title to correct addresses, update cross-references, and other technical corrections. This rule makes no substantive changes to current regulations.

EFFECTIVE DATE: This rule is effective on September 30, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G–LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593–0001 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

FOR FURTHER INFORMATION CONTACT: Janet Walton, Project Manager, Standards Evaluation and Development Division (G–MSR–2), (202) 267–0257.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Each year Title 46 of the Code of Federal Regulations is recodified on October 1. This rule makes miscellaneous editorial changes and conforming amendments, to be included in the 1996 recodification, to reflect completion of the comprehensive streamlining and reorganization of Coast Guard Headquarters. The rule also makes editorial changes throughout the title to correct addresses, update cross-references, and makes other technical corrections. The rule does not change any substantive requirements of existing regulations.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than 30 days after publication in the Federal Register. Therefore, this final rule is effective on September 30, 1996.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that

a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. As this rule involves internal agency practices and procedures, it will not impose any costs on the public.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under paragraph 2.B.2. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with paragraphs 2.B.2.E. (34) (a) and (b), concerning regulations that are editorial or procedural and concerning internal agency functions or organization. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects

46 CFR Part 1

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 2

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Radiation protection, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 5

Administrative practice and procedure, Alcohol abuse, Drug abuse, Investigations, Seamen.

46 CFR Part 6

Navigation (water), Reporting and recordkeeping requirements, Vessels.

46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 12

Reporting and recordkeeping requirements, Seamen.

46 CFR Part 14

Oceanographic research vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 16

Drug testing, Marine safety, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 28

Fire prevention, Fishing vessels, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 30

Cargo vessels, Foreign relations, Hazardous materials transportation, Penalties, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 32

Cargo vessels, Fire prevention, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 33

Cargo vessels, Marine safety, Occupational safety and health, Seamen.

46 CFR Part 34

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 35

Cargo vessels, Marine safety, Navigation (water), Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 42

Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 50

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 52

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 53

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 56

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 57

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 58

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 59

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 61

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 62

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 63

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 64

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 75

Marine safety, Passenger vessels.

46 CFR Part 76

Fire prevention, Marine safety, Passenger vessels.

46 CFR Part 77

Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 92

Cargo vessels, Fire prevention, Marine safety, Occupational safety and health, Seamen.

46 CFR Part 93

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 94

Cargo vessels, Marine safety.

46 CFR Part 95

Cargo vessels, Fire prevention, Marine safety.

46 CFR Part 96

Cargo vessels, Marine safety, Navigation (water).

46 CFR Part 97

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 108

Fire prevention, Marine safety, Occupational safety and health, Oil and gas exploration, Vessels.

46 CFR Part 109

Marine Safety, Occupational safety and health, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 114

Incorporation by reference, Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 125

Administrative practice and procedures, Authority delegation, Hazardous materials transportation, Incorporation by reference, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 126

Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 127

Authority delegation, Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 128

Hazardous materials transportation, Main and auxiliary machinery, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels.

46 CFR Part 130

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Vessels, Vessel control and automation.

46 CFR Part 131

Hazardous materials transportation, Marine safety, Navigation (water), Offshore supply vessels, Oil and gas exploration, Operations, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 134

Hazardous materials transportation, Marine safety, Offshore supply vessels, Oil and gas exploration, Provisions for liftboats, Vessels.

46 CFR Part 147

Hazardous materials transportation, Labeling, Marine safety, Packaging and containers, Reporting and recordkeeping requirements.

46 CFR Part 147A

Fire prevention, Hazardous substances, Occupational safety and health, Pesticides and pests, Seamen, Vessels.

46 CFR Part 148

Cargo vessels, Hazardous materials transportation, Marine safety.

46 CFR Part 150

Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 159

Business and industry, Laboratories, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 160

Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 162

Fire prevention, Marine safety, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 164

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 167

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, seamen, Vessels.

46 CFR Part 169

Fire prevention, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 174

Marine safety, Vessels.

46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 182

Marine safety, Passenger vessels.

46 CFR Part 184

Communications equipment, Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 188

Marine safety, Oceanographic research vessels.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

46 CFR Part 190

Fire prevention, Marine safety, Occupational safety and health, Oceanographic research vessels.

46 CFR Part 193

Fire prevention, Marine safety, Oceanographic research vessels.

46 CFR Part 195

Marine safety, Navigation (water), Oceanographic research vessels.

46 CFR Part 197

Benzene, Diving, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 199

Cargo vessels, Incorporation by reference, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR parts 1, 2, 4, 5, 6, 10, 12, 14, 16, 25, 28, 30, 31, 32, 33, 34, 35, 39, 42, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 69, 71, 75, 76, 77, 91, 92, 93, 94, 95, 96, 97, 98, 107, 108, 109, 110, 114, 125, 126, 127, 128, 130, 131, 134, 147, 147A, 148, 150, 151, 153, 154, 159, 160, 161, 162, 164, 167, 169, 170, 174, 175, 182, 184, 188, 189, 190, 193, 195, 197, 199, and 401 as follows:

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

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

Authority: 5 U.S.C. 552; 14 U.S.C. 633, 46 U.S.C. 7701; 49 CFR 1.45, 1.46; § 1.01–35 also issued under the authority of 44 U.S.C. 3507.

2. In § 1.01–10, paragraph (b)(1) is revised to read as follows:

§ 1.01–10 Organization.

* * * * *

(b) * * *

(1) The Chief, Marine Safety and Environmental Protection, under the general direction of the Commandant, directs, supervises and coordinates the activities of the Standards Directorate, consisting of the Office of Design and Engineering Standards, the Office of Operating and Environmental Standards, and the Office of Standards Evaluation and Development; the Field Activities Directorate, consisting of the Office of Compliance, the Office of Response, and the Office of Investigations and Analysis; and the Resource Management Directorate, consisting of the Office of Planning and Resources and the Office of Information Resources. The Port Safety and Security programs administered by the Chief, Office of Compliance and the Marine Environmental Response programs administered by the Chief, Office of Response are guided by regulations contained in 33 CFR chapter I. The Chief, Marine Safety and Environmental Protection, exercises technical control over the Director, National Maritime Center and, through the District Commander, supervises the administration of the Marine Safety Division of District Offices and Officers in Charge, Marine Inspection.

(i) The Director of Standards (G–MS), under the general direction and supervision of the Chief, Marine Safety and Environmental Protection, establishes federal policies for development of marine safety and environmental protection treaties, laws, and regulations; develops safety, security and environmental protection standards for the maritime industry; integrates all marine safety and environmental protection regulatory programs; prepares legislation, regulations, and industry guidance for new safety and environmental protection programs; and maintains an active program for development of third party consensus industry standards.

(A) The Chief, Office of Design and Engineering Standards (G–MSE), at Headquarters, under the direction of the Chief, Marine Safety and Environmental Protection and the Director of Standards, manages the program for defining the overall regulatory approach for vessels, offshore structures, and other marine systems incorporating safety considerations regarding the role of the human element; develops policies and regulations on load line matters and supervises classification societies authorized to assign load lines on behalf of the Coast Guard; oversees the development and maintenance of programs that incorporate risk-based methods in making safety determinations and policies; and oversees technical research and development for safety and environmental protection associated with marine vessels, structures and facilities.

(B) The Chief, Office of Operating and Environmental Standards (G–MSO), at Headquarters, under the direction of the Chief, Marine Safety and Environmental Protection and the Director of Standards, coordinates and integrates program standards for personnel qualification, vessel manning, vessel and facility operations, cargo systems and handling, and environmental protection; develops and maintains standards, regulations and industry guidance for maritime industry operations to prevent deaths, injuries, property damage, and environmental harm; develops and maintains safety standards and regulations for commercial fishing industry vessels and uninspected commercial vessels; and develops and maintains health and safety standards and regulations for U.S. inspected vessels.

(C) The Chief, Office of Standards Evaluation and Development (G–MSR), at Headquarters, under the Direction of the Chief, Marine Safety and Environmental Protection and the Director of Standards, coordinates the development of new standards and programs across all technical and operational areas of marine safety and environmental protection; provides comprehensive analytical support for all standards assessment and development efforts; and coordinates development of measures of effectiveness for assessing regulatory programs and consensus standards.

(ii) The Director of Field Activities (G–MO), under the general direction and supervision of the Chief, Marine Safety and Environmental Protection, acts as Program Manager for the Marine Safety and Marine Environmental Protection Programs; directs, coordinates, and integrates the Coast Guard's marine safety and environmental protection compliance programs, contingency planning, response operations, and investigations programs; establishes and coordinates field implementation policies and priorities for all marine safety commands and units; and serves as the focal point for field support and technical guidance.

(A) The Chief, Office of Compliance (G–MOC), at Headquarters, under the direction of the Chief, Marine Safety and Environmental Protection and the Director of Field Activities, administers and balances all marine safety and environmental protection compliance programs, including direction of Coast Guard activities and oversight of third parties and industry programs;

develops, publishes and maintains program policies for vessel compliance, interprets standards and regulations, and provides field guidance for execution and enforcement; administers the marine inspection program and foreign vessel boarding program for the enforcement of commercial vessel material and operational safety standards; and supervises the administration of licensing and documenting of merchant personnel, the issuance of certificates of registry to merchant marine staff officers, and the manning of U.S. vessels.

(B) The Chief, Office of Response (G–MOR), at Headquarters, under the Direction of the Chief, Marine Safety and Environmental Protection and the Director of Field Activities, coordinates and integrates field planning, preparedness, and response operations for pollution incidents, natural disasters, marine accidents, terrorism, and other threats to public safety, the marine environment, or marine transportation and commerce; develops, publishes, and maintains program policies for preparedness and response, interprets laws and regulations, and provides field guidance for execution; provides guidance regarding emergency authorities of the Captain of the Port (COTP); and administers Office programs for ports and waterway management, bridging compliance and response efforts with an active presence in the marine environment.

(C) The Chief, Office of Investigations and Analyses (G–MOA), at Headquarters, under the direction of the Chief, Marine Safety and Environmental Protection and the Director of Field Activities, reviews investigations of marine casualties; manages, develops policy for and evaluates domestic and international programs and processes associated with investigations of marine casualties and injuries; manages analysis of casualties and casualty data, civil penalties and other remedial programs (including proceedings to suspend or revoke Coast Guard licenses, documents or certificates held by mariners); and manages marine employer drug and alcohol testing programs.

(iii) The Director of Resource Management (G–MR), under the general direction and supervision of the Chief, Marine Safety and Environmental Protection, serves as Facility Manager for the marine safety programs; coordinates and integrates financial, informational, and human resources; plans, acquires, develops, and allocates resources for development and execution of the Coast Guard's marine safety programs; provides the focal point for all resource issues in support of the Standards and Operations Directorates; and oversees the development and management of the Coast Guard's direct user fee program.

(iv) The Director, Coast Guard National Maritime Center (NMC) under technical control of the Chief, Marine Safety and Environmental Protection, administers operational and administrative control of the Marine Safety Center which conducts reviews and approvals of plans, calculations, and other materials concerning the design, construction, alterations, and repair of commercial vessels to determine conformance with the marine inspection laws, regulations, and implementing directions; administers operational and administrational control over the National Vessel Documentation Center which administers U.S. vessel identification and documentation; oversees and administers the U.S. tonnage measurement program which measures U.S. naval vessels and oversees issuance of international and domestic tonnage certificates; administers merchant mariner licensing and seaman's documentation; and oversees the national pilotage program.

* * * * *

§ 1.01–25 [Amended]

3. In § 1.01–25, in paragraph (b), remove the words ''the Office of Marine Safety, Security, and Environmental Protection'' and the words ''Office of Marine Safety, Security, and Environmental Protection'', and add, in their place, the words ''Marine Safety and Environmental Protection''; and remove the word ''divisions'' and add, in its place, the word ''offices''.

4. In § 1.03–15, in paragraphs (g), (h), and (j) are revised to read as follows:

§ 1.03–15 General.

* * * * *

(g) The Commandant may delegate authority to act on administrative appeals under this subpart to the Chief, Marine Safety and Environmental Protection, and appropriate office chiefs within Marine Safety and Environmental Protection.

(h) Formal appeals made to the Commandant shall be addressed to:

(1) Commandant (G–MOC) for appeals involving vessel inspection issues, load line issues, vessel manning issues or other personnel issues;

(2) Commanding Officer, U.S. Coast Guard Marine Safety Center, for appeals involving vessel plan review issues or vessel tonnage issues; or

(3) Director, National Maritime Center, for appeals involving measurement issues and vessel documentation issues.

(i) * * *

(j) Any decision made by the Commandant, or by the Chief, Marine Safety and Environmental Protection, or by an office chief pursuant to authority delegated by the Commandant is final agency action on the appeal.

PART 2—VESSEL INSPECTIONS

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

Authority: 33 U.S.C. 1903; 43 U.S.C. 1333, 1356; 46 U.S.C. 3306, 3703; E.O. 12334, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; subpart 2.45 also issued under the authority of Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1).

§ 2.45–20 [Amended]

6. In § 2.45–20, in paragraph (a), remove the word ''(G–MCC)'' and add, in its place, the word ''(G–MOC)''.

§ 2.75–1 [Amended]

7. In § 2.75–1, in paragraph (c), remove the words ''Office of Marine Safety, Security and Environmental Protection'' and add, in their place, the works ''Marine Safety and Environmental Protection'' and, in paragraph (d), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

§ 2.75–5 [Amended]

8. In § 2.75–5, in paragraph (a), remove the words ''Office of Marine Safety, Security and Environmental Protection'' and add, in their place, the words ''Marine Safety and Environmental Protection''.

§ 2.75–50 [Amended]

9. In § 2.75–50, in paragraph (c), remove the words ''the Director of'' and add, in their place, the word ''Chief,''.

§§ 2.10–10, 2.10–20, 2.10–105, and 2.10–115 [Amended]

10. In 46 CFR part 2, remove the words ''(G–MP)'' and ''(G–MPR)'' and add, in their place, the word ''(G–MRP)'' in the following places:

(a) Section 2.10–10;
(b) Section 2.10–20(e)
(c) Section 2.10–105(b); and
(d) Section 2.10–115(b).

§§ 2.75–10, 2.75–15, and 2.75–17 [Amended]

11. In addition to the amendments set forth above, in 46 CFR part 2, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 2.75–10(b);
(b) Section 2.75–15(a); and
(c) Section 2.75–17(d)(1).

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

12. The authority citation for part 4 continues to read as follows:

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

§ 4.11–10 [Amended]

13. In § 4.11–10, remove the number ''5.17–1'' and add, in its place, the number ''5.401''.

§ 4.12–1 [Amended]

14. In § 4.12–1, in paragraph (e), remove the number ''5.15'' and add, in its place, the letter ''F''.

PART 5—MARINE INVESTIGATION REGULATIONS—PERSONNEL ACTION

15. The authority citation for part 5 continues to read as follows:

Authority: 46 U.S.C. 2103, 7101, 7301, 7701; 49 CFR 1.46.

§ 5.703 [Amended]

16. In § 5.703, in paragraph (c), remove the word ''(G–MAO)'' and add, in its place, the word ''(G–MOA)''.

PART 6—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

17. The authority citation for part 6 continues to read as follows:

Authority: Act Dec. 27, 1950, Ch. 1155, secs. 1, 2, 64 Stat. 1120 (see 46 U.S.C. App. note prec. 1); 49 CFR 1.46.

§ 6.01 [Amended]

18. In § 6.01, in paragraph (a) remove the word ''codeter'' and add, in its place, the word ''chapter''.

§ 6.06 [Amended]

19. In § 6.06, in paragraph (a), remove the word ''codeter'' and add, in its place, the word ''chapter''; and in paragraphs (b) and (d), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 10—LICENSING OF MARITIME PERSONNEL

20. The authority citation for part 10 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, 2110, 7101, 7106, 7107, 7109, 7302, 7505, 7701; 49 CFR 1.46. Section 10.107 also issued under the authority of 44 U.S.C. 3507.

§ 10.112 [Amended]

21. In § 10.112, in paragraph (b), remove the word ''(G–MPR)'' and add, in its place, the word ''(G–MRP)''.

PART 16—CHEMICAL TESTING

22. The authority citation for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

§ 16.205 [Amended]

23. In § 16.205, in paragraph (g), remove the word ''(G–MAO)'' and add, in its place, the word ''(G–MOA)''.

§ 16.500 [Amended]

24. In § 16.500, in paragraphs (a) and (c), remove the word ''(G–MAO)'' and add, in its place, the word ''(G–MOA)''.

PART 25—REQUIREMENTS

25. The authority citation for part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4302; 49 CFR 1.46.

§ 25.01–3 [Amended]

26. In § 25.01–3, in paragraph (a), remove the words ''Compliance Division (G–MCO)'' and add, in their place, the words ''Office of Compliance (G–MOC)''; and in paragraph (b), under the entry for American Boat and Yacht Council (ABYC), remove the words ''P.O. Box 747, 405 Headquarters Drive, suite 3, Millersville, MD 21108–0747'' and add, in their place, the words ''3069 Solomons Island Road, Edgewater, MD 21037''.

§ 25.30–5 [Amended]

27. In § 25.30–5, in paragraph (a), remove the words ''CG–190, Equipment Lists'' and add, in their place, the words ''COMDTINST M16714.3 (Series), Equipment Lists''.

§§ 25.45–1 and 25.45–2 [Amended]

28. In addition to the amendments set forth above, in 46 CFR part 25, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 25.45–1(a); and

(b) Section 25.45–2(a).

PART 28—REQUIREMENTS FOR COMMERCIAL FISHING INDUSTRY VESSELS

29. The authority citation for part 28 continues to read as follows:

Authority: 46 U.S.C. 3316, 4502, 4506, 6104, 10603; 49 U.S.C. 5103, 5106; 49 CFR 1.46.

§ 28.40 [Amended].

30. In § 28.40, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''; in paragraph (b), under the entry for American Boat and Yacht Council (ABYC), remove the words ''P.O. Box 747, 405 Headquarters Dr., suite 3, Millersville, MD 21108–0747'' and add, in their place, the words ''3069 Solomons Island Road, Edgewater, MD 21037''; and under the entry for National Fire Protection Association (NFPA), remove the number ''60'' preceding Batterymarch and add, in its place, the number ''1''.

§ 28.50 [Amended]

31. In § 28.50, in the definition of *Coat Guard Representative*, remove the words ''Vessel and Facility Operating Standard Branch, Commandant (G–MOS–2)'' and add, in their place, the words ''Vessel and Facility Operating Standards Division, Commandant (G–MSO–2)''.

PART 30—GENERAL PROVISIONS

32. The authority citation for part 30 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; 49 CFR 1.45, 1.46; Section 30.01–2 also issued under the authority of 44 U.S.C. 3507; Section 30.01–5 also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 30.30–5 [Amended]

33. In § 30.30–5, in paragraph (a), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 31—INSPECTION AND CERTIFICATION

34. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Section 31.10–21a also issued under the authority of Sec. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.10–21 [Amended]

35. In § 31.10–21, in paragraphs (e)(1), (e)(3), and (g), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

§ 31.40–45 [Amended]

36. In § 31.40–45, in paragraph (a), remove the words ''45 Eisenhower Drive, Paramus, NJ 07653–0910'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

37. The authority citation for part 32 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46; Subpart 32.59 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 32.01–1 [Amended]

38. In § 32.01–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

§ 32.53–3 [Amended]

39. In § 32.53-3, in paragraphs (a), (d), and (e), remove the words ''Office of Marine Safety, Security and Environmental Protection'' and add, in their place, the words ''Marine Safety and Environmental Protection''; and in paragraph (b), remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

PART 33—LIFESAVING EQUIPMENT

40. The authority citation for part 33 continues to read as follows:

Authority: 46 U.S.C. 3102, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 33.01–3 [Amended]

41. In § 33.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 34—FIREFIGHTING EQUIPMENT

42. The authority citation for part 34 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 34.01–15 [Amended]

43. In § 34.01–15, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 35—OPERATIONS

44. The authority citation for part 35 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 3703, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., P. 351; 49 CFR 1.46.

§ 35.01–3 [Amended]

45. In § 35.01–3, in paragraph (a), remove the words ''Marine Technical and Hazardous Materials Division'' and add, in their place, the words ''Office of Operating and Environmental Standards''.

PART 39—VAPOR CONTROL SYSTEMS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. 3306, 3703, 3715(b); 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 39.10–5 [Amended]

47. In § 39.10–5, in paragraph (a), remove the words ''Operating and Environmental Standards Division (G–MOS)'' and add, in their place, the words ''Office of Operating and Environmental Standards (G–MSO)''; in paragraph (b), under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''; and under the entry for Oil Companies International Marine Forum (OCIMF), remove the words ''6th Floor, Portland House, Stag Place, London SWIE 5BH, England'' and add, in their place, the words ''15th Floor, 96 Victoria Street, London SWIE 5JW England''.

§§ 39.10–1, 39.10–9, 39.20–1, 39.20–9, and 39.40–1 [Amended]

48. In addition to the amendments set forth above, in 46 CFR part 39, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following places:

(a) Section 39.10–1(b);
(b) Section 39.10–9;
(c) Section 39.20–1(a)(1);
(d) Section 39.20–9(d); and
(e) Sections 39.40–1 (b), (c), and (e).

PART 42—DOMESTIC AND FOREIGN VOYAGES BY SEA

49. The authority citation for part 42 continues to read as follows:

Authority: 46 U.S.C. 5115; 49 CFR 1.45, 1.46; section 42.01–5 also issued under the authority of 44 U.S.C. 3507.

§ 42.07–35 [Amended]

50. In § 42.07–35, in paragraph (a), remove the words ''45 Broad Street, New York, N.Y. 10004'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

§ 42.11–5 [Amended]

51. In § 42.11–5, in paragraph (a), remove the words ''45 Broad Street, New York, N.Y. 10004'' and add in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

PART 50—GENERAL PROVISIONS

52. The authority citation for part 50 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; Section 50.01–20 also issued under the authority of 44 U.S.C. 3507.

§ 50.25–1 [Amended]

53. In § 50.25–1, in paragraph (e), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 52—POWER BOILERS

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

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 52.01–1 [Amended]

55. In § 52.01–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 53–HEATING BOILERS

56. The authority citation for part 53 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 53.01–1 [Amended]

57. In § 53.01–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 54—PRESSURE VESSELS

58. The authority citation for part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 54.01–1 [Amended]

59. In § 54.01–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

§ 54.05–30 [Amended]

60. In § 54.05–30, in paragraph (c), remove the word ''(G–MMMS–3)'' and add, in its place, the word ''(G–MSE)''.

§§ 54.05–30 and 54.15–25 [Amended]

61. In addition to the amendments set forth above, in 46 CFR part 54, remove

the word ''(G–MMS–3)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 54.05–30(b); and

(b) Section 54.15–25(c–1).

PART 56—PIPING SYSTEMS AND APPURTENANCES

62. The authority citation for part 56 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 56.01–2 [Amended]

63. In § 56.01–2, in paragraph (b), under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

§§ 56.20–15 and 56.60–25 [Amended]

64. In addition to the amendments set forth above, in 46 CFR part 56, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 56.20–15(c)(3); and

(b) Section 56.60–25 paragraphs (a)(10) and (a)(11).

PART 57—WELDING AND BRAZING

65. The authority citation for part 57 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 57.02–1 [Amended]

66. In § 57.02–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

67. The authority citation for part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 58.03–1 [Amended]

68. In § 58.03–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''; in paragraph (b), under the entry for American Boat and Yacht Council (ABYC), remove the words ''P.O. Box 747, 405 Headquarters Drive, suite 3, Millersville, MD 21108'' and add, in their place, the words ''3069 Solomons Island Road, Edgewater, MD 21037''; under the entry for American Bureau of Shipping (ABS), remove the words ''45 Eisenhower Drive, Paramus, NJ 07653'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''; and under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

PART 59—REPAIRS TO BOILERS, PRESSURE VESSELS AND APPURTENANCES

69. The authority citation for part 59 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 59.01–2 [Amended]

70. In § 59.01–2, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 61—PERIODIC TESTS AND INSPECTIONS

71. The authority citation for part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 61.03–1 [Amended]

72. In § 61.03–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

§ 61.20–17 [Amended]

73. In § 61.20–17, in paragraph (f)(2), remove the word ''(G–MCO)'' and add, in its place, the words ''(G–MCO)''.

§ 61.20–21 [Amended]

74. In § 61.20–21, remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

§ 61.40–10 [Amended]

75. In § 61.40–10, in paragraph (b), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 62—VITAL SYSTEM AUTOMATION

76. The authority citation for part 62 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 8105, E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

§ 62.05–1 [Amended]

77. In § 62.05–1, in paragraph (a), remove the words ''the Office of Marine Safety, Security, and Environmental Protection (G–MMS)'' and add, in their place, the words ''Marine Safety and Environmental Protection (G–MSE)''; and in paragraph (b)(1), remove the words ''45 Eisenhower Drive, Paramus, New Jersey 07653–0910'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

§ 62.35–40 [Amended]

78. In § 62.35–40, in paragraph (b), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 63—AUTOMATIC AUXILIARY BOILERS

79. The authority citation for part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 63.05–1 [Amended]

80. In § 63.05–1, in paragraph (a), remove the words ''Marine and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 64—MARINE PORTABLE TANKS AND CARGO HANDLING SYSTEMS

81. The authority citation for part 64 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 49 U.S.C. App. 1804; 49 CFR 1.46.

§ 64.2 [Amended]

82. In § 64.2, in paragraph (a), remove the words ''Office of Marine Safety, Security, and Environmental Protection'' and add, in their place, the words ''Marine Safety and Environmental Protection''.

PART 69—MEASUREMENT OF VESSELS

83. The authority citation for part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103, 49 CFR 1.46.

§ 69.9 [Amended]

84. In § 69.9, in the definition of *Commandant,* remove the words ''U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593–0001'' and add, in their place, the words ''400 7th Street, SW., Washington, DC 20590–0001''.

PART 71—INSPECTION AND CERTIFICATION

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 71.50–3 [Amended]

86. In § 71.50–3, in paragraph (f), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 75—LIFESAVING EQUIPMENT

87. The authority citation for part 75 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 71.01–3 [Amended]

88. In § 75.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 76—FIRE PROTECTION EQUIPMENT

89. The authority citation for part 76 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.46.

§ 76.01–2 [Amended]

90. In § 76.01–2, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

91. The authority citation for part 77 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 77.01–3 [Amended]

92. In § 77.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 91—INSPECTION AND CERTIFICATION

93. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 91.40–3 [Amended]

94. In § 91.40–3, in paragraphs (e)(1), (e)(3), and (g), remove the word ''(G–MCO)'' and add, it its place, the word ''(G–MOC)''.

§ 91.55–15 [Amended]

95. In § 91.55–15, in paragraph (a)(2), remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSE)''; and in paragraph (a)(3), remove the word ''(G–MSC)''.

§ 91.60–45 [Amended]

96. In § 91.60–45, in paragraph (a), remove the words ''45 Eisenhower Drive, Paramus, NJ 07653–0910'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

PART 92—CONSTRUCTION AND ARRANGEMENT

97. The authority citation for part 92 continues to read as follows:

Authority: 46 U.S.C. 3306; 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 92.01–2 [Amended]

98. In § 92.01–2, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 93—STABILITY

99. The authority citation for part 93 continues to read as follows:

Authority: 46 U.S.C. 3306; 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 93.20–05 [Amended]

100. In § 93.20–05, in paragraph (a), remove the words ''One World Trade Center, Suite 2757, New York, N.Y. 10048'' and add, in their place, the words ''30 Vesey Street, New York, NY 10007–2914''.

§ 93.20–10 [Amended]

101. In § 93.20–10, in paragraph (b), remove the words ''One World Trade Center, Suite 2757, New York, N.Y. 10048'' and add, in their place, the words ''30 Vesey Street, New York, NY 10007–2914''.

PART 94—LIFESAVING EQUIPMENT

102. The authority citation for part 94 continues to read as follows:

Authority: 46 U.S.C. 3102; 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 94.01–3 [Amended]

103. In § 94.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 95—FIRE PROTECTION EQUIPMENT

104. The authority citation for part 95 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 95.01–2 [Amended]

105. In § 95.01–2, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

106. The authority citation for part 96 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 96.01–3 [Amended]

107. In § 96.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 97—OPERATIONS

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

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 97.12–5 [Amended]

109. In § 97.12–5, in paragraph (a), remove the paragraph designator, and remove the words ''99 John Street, New York, NY 10038'' and add, in their place, the words ''30 Vesey Street, New York, NY 10007–2914''.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

110. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 98.25–90 [Amended]

111. In § 98.25–90, in paragraph (c), remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

§ 98.30–4 [Amended]

112. In § 98.30–4, in paragraph (a)(1), in the footnote, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''; and in paragraph (c) remove the word ''OHMT'' and add, in its place, the word ''OHMS''.

§ 98.30–14 [Amended]

113. In § 98.30–14, in paragraphs (a)(2), (a)(3), (b)(1), and (b)(2) remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

PART 107—INSPECTION AND CERTIFICATION

114. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115; 49 CFR 1.45, 1.46; § 107.05 also issued under the authority of 44 U.S.C. 3507.

§ 107.115 [Amended]

115. In § 107.115, in paragraph (b)(1), remove the words ''45 Eisenhower Drive, Paramus, NJ 07653–0910'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''; and in paragraph (b)(5), remove the words ''470 Atlantic Avenue, Boston, Massachusetts 02210'' and add, in their place, the words ''1 Batterymarch Park, Quincy, MA 02269–9101''.

§ 107.117 [Amended]

116. In § 107.117, in paragraph (a), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''; and in paragraph (b), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

§ 107.258 [Amended]

117. In § 107.258, in paragraph (a)(1), remove the words ''45 Broad St., New York, N.Y. 10004'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

§ 107.265 [Amended]

118. In § 107.265, in paragraph (a)(2), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

§ 107.267 [Amended]

119. In § 107.267. in paragraphs (a)(2) and (b), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''

§ 107.317 [Amended]

120. In § 107.317, in paragraph (b), remove the word ''(G–MSC)''; and in paragraph (c), remove the words ''45 Broad St., New York, NY 10004'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

§ 107.413 [Amended]

121. In § 107.413, in paragraphs (b), (c), and (d) remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 108—DESIGN AND EQUIPMENT

122. The authority citation for part 108 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3102, 3306; 49 CFR 1.46.

§ 108.101 [Amended]

123. In § 108.101, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''; and remove the Note following paragraph (b) at the end of the section.

§ 108.201 [Amended]

124. In § 108.201, in paragraph (a), remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

§ 108.508 [Amended]

125. In § 108.508, in paragraphs (a)(1), (a)(2), and (a)(3), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 109—OPERATIONS

126. The authority citation for part 109 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 5115, 6101, 10104; 49 CFR 1.46.

Appendix A, Part 109 [Amended]

127. In 46 CFR part 109, in Appendix A, in paragraph 4.f, remove the word ''(G–MVI)''; and add, in its place, the word ''(G–MOC)''; and in paragraphs 1, 3.a, 3.c, 3.d, 3.d(5)(f), 4.a, 4.b, 4.d, and 4.f, remove the word ''NVC'' and add, in its place, the word ''NVIC''.

PART 110—GENERAL PROVISIONS

128. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.45, 1.46; § 110.01–2 also issued under 44 U.S.C. 3507.

§ 110.10–1 [Amended]

129. In § 110.10–1, in paragraph (a), remove the words ''Division (G–MMS)'' and add, in their place, the word (G–MSE)''.

§ 110.25–3 [Amended]

130. In § 110.25–3, in paragraph (a)(1), remove the word ''(G–MSC)''.

§§ 110.20–1 and 110.25–3 [Amended]

131. In addition to the amendments set forth above, in 46 CFR part 110, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following sections:

(a) Section 110.20–1; and

(b) Section 110.25–3(a)(3).

PART 114—GENERAL PROVISIONS

132. The authority citation for part 114 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; 114.900 also issued under authority of 44 U.S.C. 3507.

§ 114.600 [Amended]

133. In § 114.600, in paragraph (a), remove the words ''Standards Evaluation and Development Divisions (G–MES)'' and add, in their place, the words ''Office of Operating and Environmental Standards (G–MSO)''; in paragraph (b), under the entry for American Boat and Yacht Council (ABYC), remove the word ''Solomon's'' and add, in its place, the word ''Solomons''; under the entry for American Bureau of Shipping (ABS), remove the words ''ABS Plaza, 16855 Northchase Drive, Houston, TX 77060'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048'': and under the entry for American National Standards Institute (ANSI), remove the words ''United Engineering Center, 345 East 47th St., New York, NY 10017'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

PART 125—GENERAL

134. The authority citation to part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; 49 CFR 1.46.

§ 125.180 [Amended]

135. In § 125.180, in paragraph(a), remove the words ''Merchant Vessel Inspection and Documentation Division'' and add, in their place, the words ''Vessel and Facility Operating Standards Division (G–MSO–2)''; and, in paragraph (b), under the entry for American Yacht and Boat Council, Inc. (AYBC), remove the word ''Solomon's'' and add, in its place, the word ''Solomons''; and under the entry for Institute of Electrical and Electronics

Engineers (IEEE), remove the words ''345 E. 47th St., New York, NY 10017'' and add, in their place, the words ''IEEE Service Center, 445 Hoes Lane, Piscataway, NJ 08854''.

§§ 125.110 and 125.120 [Amended]

136. In addition to the amendments set forth above, in 46 CFR part 125, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 125.110(a); and

(b) Section 125.120(a).

PART 126—INSPECTION AND CERTIFICATION

137. The authority citation for part 126 continues to read as follows:

Authority: 46 U.S.C. 3306; 33 U.S.C. 1321(j); E.O. 11735, 38FR 21243, 3 CFR 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 126.140 [Amended]

138. In § 126.140, in paragraph (a), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 127—CONSTRUCTION AND ARRANGEMENTS

139. The authority citation for part 127 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 127.210 [Amended]

140. In § 127.210, in paragraph (b), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 128—MARINE ENGINEERING: EQUIPMENT AND SYSTEMS

141. The authority citation for part 128 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 128.310 [Amended]

142. In § 128.310, in paragraph (b), remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSE)''.

PART 130—VESSEL CONTROL, AND VARIOUS EQUIPMENT AND SYSTEMS

143. The authority citation for part 130 continues to read as follows:

Authority: 46 U.S.C. 3306, 8105; 49 CFR 1.46.

§ 130.470 [Amended]

144. In § 130.470, in paragraph (a), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 131—OPERATIONS

145. The authority citation for part 131 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101, 8105, 10104; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; 49 CFR 1.466.

§§ 131.530, 131.535, and 131,580 [Amended]

146. In 46 CFR part 131, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:

(a) Section 131.530(b)(1);

(b) Section 131.535(b); and

(c) Section 131.580(e).

PART 134—ADDED PROVISIONS FOR LIFTBOATS

147. The authority citation for part 134 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 134.140 [Amended]

148. In § 134.140, in paragraph (b), remove the word ''(G–MMS)'', and add, in its place, the word ''(G–MSE)''.

PART 147—HAZARDOUS SHIPS' STORES

149. The authority citation for part 147 continues to read as follows:

Authority: 46 U.S.C. 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

150. Section 147.5 is revised to read as follows:

§ 147.5 Commandant (G–MSO); address.

Commandant (G–MSO) is the Office of Operating and Environmental Standards, Marine Safety and Environmental Protection. The address is Commandant (G–MSO), U.S. Coast Guard Headquarters, Washington, DC 20593–0001, and the telephone number is (202) 267–0214.

§ 147.50 [Amended]

151. In § 147.50, in paragraph (d), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

§§ 147.9, 147.40, and 147.60 [Amended]

152. In addition to the amendments set forth above, in 46 CFR part 147, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Section 147.9(a);

(b) Section 147.40 section heading, paragraphs (a), (b), and (c); and

(c) Section 147.60(c)(2).

§ 147A.11 [Amended]

153. In § 147A.11, in paragraph (b)(5)(iii), remove the words ''470 Atlantic Avenue, Boston, Massachusetts 02210'' and add, in their place, the words ''1 Batterymarch Park, Quincy, MA 02269–9101''.

PART 148—CARRIAGE OF SOLID HAZARDOUS MATERIALS IN BULK

154. The authority citation for part 148 continues to read as follows:

Authority: 49 U.S.C. App. 1804; 49 CFR 1..46.

§ 148.01–9 [Amended]

155. In § 148.01–9, in paragraph (a), remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

§ 148.01–11 [Amended]

156. In § 148.01–11, in paragraph (b)(2), remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)''.

PART 150—COMPATIBILITY OF CARGOES

157. The authority citation for part 150 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.45, 1.46. Section 150.105 issued under 44 U.S.C. 3507; 49 CFR 1.45.

§§ 150.140, 150.150, 150.160 [Amended]

158. In 46 CFR part 150, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Section 150.140;

(b) Section 150.150 introductory text; and

(c) Section 150.160(a).

§ Table I, Table II, and Appendix III, Part 150 [Amended]

159. In 46 CFR part 150, remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Table I, in footnote [1];

(b) Table II, in footnote [1]; and

(c) Appendix III, in Step 3.

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGOES

160. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; 49 CFR 1.46.

§ 151.05–1 [Amended]

161. In § 151.05–1, remove and reserve paragraph (f).

§ 151.13–1 [Amended]

162. In § 151.13–1, remove the paragraph designator, and remove the words ''cargo tanks, cargo piping, and cargo vents'' and add, in their place, the words ''cargo tanks''.

§ 151.13–5 [Amended]

163. In § 151.13–5, in paragraph (a), remove the words '', (2), and (3)'' and add, in their place, the words ''and (2)''.

§§ 151.50–20, 151.50–22, 151.50–23, 151.50–36, 151.50–50, 151.50–75, 151.50–76, 151.50–77, 151.50–80, and 151.50–84 [Amended]

164. In addition to the amendments set forth above, in 46 CFR part 151, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Section 151.50–20(i);
(b) Section 151.50–22(d);
(c) Section 151.50–23(e);
(d) Section 151.50–36(b);
(e) Section 151.50–50(n);
(f) Section 151.50–75;
(g) Sections 151.50–76 (b), (c), and (g);
(h) Section 151.50–77(a);
(i) Section 151.50–80(c); and
(j) Section 151.50–84(e)(2).

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

165. The authority citation for part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; 49 CFR 1.46. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903(b).

§ 153.1 [Amended]

166. In § 153.1, remove paragraph (a)(4).

§ 153.2 [Amended]

167. In § 153.2, in the definition of *Commandant*, add the words ''2100 Second Street SW.'' immediately before the words ''Washington, DC''.

§ 153.4 [Amended]

168. In § 153.4, in paragraph (a), remove the words ''Marine Technical and Hazardous Materials Division (G–MTH)'' and add, in their place, the words ''Office of Operating and Environmental Standards (G–MSO)''; and in paragraph (b), under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

§§ 153.7, 153.10, 153.15, 153.16, 153.219, 153.250, 153.336, 153.353, 153.365, 153.407, 153.460, 153.490, 153.491, 153.525, 153.530, 153.556, 153.557, 153.558, 153.921, 153.935a, 153.1010, 153,1011, 153.1025, 153.1052, 153.1101, 153.1119, 153.1502, and 153.1608 [Amended]

169. In addition to the amendments set forth above, in 46 CFR part 153, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Sections 153.7 (b)(4), (b)(4) (iii), (c)(3), (c)(4), (c)(5), and (c)(6);
(b) Sections 153.10 (a)(1), (a)(3), and (b);
(c) Section 153.15(b)(4);
(d) Section 153.16(a);
(e) Section 153.219(b)(3);
(f) Section 153.250;
(g) Sections 153.336 (a)(3) and (b)(2);
(h) Section 153.353(c)
(i) Section 153.365(a)(3);
(j) Section 153.407(b);
(k) Sections 153.460 (b) and (c);
(l) Section 153.490(b)(1);
(m) Section 153.491(b)(3);
(n) Section 153.525(d)(3);
(o) Sections 153.530 (c), (c)(1), (c)(2), and (o)(1);
(p) Section 153.556(a);
(q) Sections 153.557 (a)(3) and (b);
(r) Section 153.558(b);
(s) Section 153.921;
(t) Section 153.935a(a)(2);
(u) Section 153.1010(b)(4);
(v) Sections 153.1011 (a)(2) and (a)(3);
(w) Section 153.1025(c);
(x) Section 153.1052;
(y) Section 153.1101(c);
(z) Sections 153.1119 (c)(1), (c)(2)(viii), (c)(3), and (e);
(aa) Section 153.1502(a); and
(bb) Section 153.1608, in the Note at the end of the section.

Table I, Part 153 [Amended]

170. In 46 CFR part 153, in Table 1, in footnote h, remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSO)''.

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

171. The authority citation for part 154 continues to read as follows:

Authority: 46 U.S.C. 3703, 9101; 49 CFR 1.46.

§ 154.1 [Amended]

172. In § 154.1, in paragraph (a), add the words ''2100 Second Street SW.'', immediately before the words ''Washington, DC''; in paragraph (b), under the entry for American Bureau of Shipping (ABS), remove the words ''45 Eisenhower Drive, Paramus, NJ 07652'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''; and under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

§§ 154.1, 154.12, 154.30, 154.32, 154.34, 154.170, 154.172, 154.315, 154.350, 154.356, 154.405, 154.406, 154.409, 154.410, 154.411, 154.418, 154.419, 154.425, 154.426, 154.428, 154.430, 154.431, 154.435, 154.436, 154.438, 154.440, 154.447, 154.448, 154.449, 154.453, 154.459, 154.467, 154.503, 154.516, 154.519, 154.520, 154.522, 154.524, 154.546, 154.610, 154.620, 154.630, 154.650, 154.655, 154.703, 154.709, 154.805, 154.904, 154.908, 154.912, 154.1005, 154.1135, 154.1335, 154.1340, 154.1345, 154.1725, 154.1735, 154.1755, and 154.1860 [Amended]

173. In addition to the amendments set forth above, in 46 CFR part 154, remove the word ''(G–MOS)'' and add, in its place, the word ''(G–MSO)'' in the following sections:

(a) Section 154.1.(a);
(b) Sections 154.12 (c)(4) and (d)(4);
(c) Sections 154.30 (a), (b), and (c);
(d) Sections 154.32 (a) and (b);
(e) Section 154.34;
(f) Sections 154.170 (b)(1) and (b)(2);
(g) Section 154.172(c);
(h) Section 154.315(b)(2);
(i) Section 154.350(a);
(j) Section 154.356(c);
(k) Section 154.405(c);
(l) Section 154.406(c);
(m) Section 154.409(a);
(n) Sections 154.410 (a) and (b);
(o) Section 154.411 introductory text;
(p) Section 154.418;
(q) Section 154.419;
(r) Section 154.425;
(s) Section 154.426;
(t) Section 154.428;
(u) Section 154.430(b);
(v) Section 154.431(b);
(w) Section 154.435(a);
(x) Section 154.436;
(y) Section 154.438(b).
(z) Sections 154.440 (a)(2) and (b);
(aa) Section 154.447(b);
(bb) Section 154.448 introductory text;
(cc) Section 154.449 introductory text;
(dd) Section 154.453;
(ee) Sections 154.459 (b) and (c);
(ff) Section 154.467 introductory text;
(gg) Section 154.503(e);
(hh) Section 154.516 introductory text;
(ii) Section 154.519(a)(2);
(jj) Section 154.520 introductory text;
(kk) Section 154.522(a);
(ll) Section 154.524(e);
(mm) Section 154.546(a);
(nn) Sections 154.610 (c) and (f);
(oo) Section 154.620(b);
(pp) Sections 154.630 (a), and (c);
(qq) Sections 154.650 (d) and (e);
(rr) Section 154.655(b);
(ss) Sections 154.703 (b)(3) and (d)(2);
(tt) Section 154.709(b);
(uu) Section 154.805(e);
(vv) Section 154.904(a);
(ww) Section 154.908(b);
(xx) Section 154.912;

(yy) Sections 154.1005 (a) and (b);
(zz) Section 154.1135(a)(3);
(aaa) Sections 154.1335 (b)(1) and (c)(1);
(bbb) Sections 154.1340 (c)(1) and (d);
(ccc) Section 154.1345(b)(2)(i);
(ddd) Sections 154.1725 (a)(2), (a)(4), and (b)(1);
(eee) Section 154.1735(a);
(fff) Section 154.1755; and
(ggg) Section 154.1860.

Appendix A, Part 154 [Amended]

174. In 46 CFR part 154, in Appendix A, in paragraphs I and II, remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSO)''.

PART 159—APPROVAL OF EQUIPMENT AND MATERIALS

175. The authority citation for part 159 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 49 CFR 1.45, 1.46; Section 159.001–9 also issued under the authority of 44 U.S.C. 3507.

§ 159.001–2 [Amended]

176. In § 159.001–2, remove the words ''the Director of'' and add, in their place, the word ''Chief,''.

§ 159.001–4 [Amended]

177. In § 159.001–4, in paragraph (a), remove the words ''Branch (G–MMS–4)'' and add, in their place, the words ''Division (G–MSE–4)''.

§ 159.001–5 [Amended]

178. In § 159.001–5, remove the word ''(G–MMS–4)'' and add, in its place, the word ''(G–MSE–4)''.

PART 160—LIFESAVING EQUIPMENT

179. The authority citation for part 160 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703, and 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

180. In § 160.010–2, paragraph (c) is revised to read as follows:

§ 160.010–2 Definitions.

* * * * *

(c) *Commandant (G–MSE–4).* Commandant (G–MSE–4) is the Chief of the Lifesaving and Fire Safety Standards Division, Marine Safety and Environmental Protection.

* * * * *

§ 160.010–4 [Amended]

181. In § 160.010–4, in paragraph (b), (c)(1), (c)(2), and (c)(3), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'.

§ 160.010–7 [Amended]

182. In § 160.010–7, in paragraph (a), remove the word ''(G–MMS) and add, in its place, the word ''(G–MSE)''.

§ 160.051–0 [Amended]

183. In 160.051–0, in paragraph (a), remove the words ''Marine Technical and Hazardous Material Division'' and add, in their place, the words ''Office of Design and Engineering Standards''.

§ 160.073–5 [Amended]

184. In § 160.073–5, in paragraph (b), add the words ''COMDTINST M16714.3 (Series),'' immediately before the words ''Equipment Lists''.

§ 160.076–5 [Amended]

185. In § 160.076–5, in the definition of *Commandant*, remove the words ''Lifesaving and Fire Safety Standards Branch, U.S. Coast Guard Marine Safety and Environmental Protection Directorate'' and add, in their place, the words ''Lifesaving and Fire Safety Division, Marine Safety and Environmental Protection''; and remove the word ''(G–MMS–4)'' and add, in its place, the word ''(G–MSE–4)''.

§ 160.077–2 [Amended]

186. In § 16.077–2, in paragraph (a), remove the words ''Lifesaving and Fire Safety Standards Branch, U.S. Coast Guard Office of Marine Safety, Security and Environmental Protection'' and add, in their place, the words ''Lifesaving and Fire Safety Division, Marine Safety and Environmental Protection''; and remove the word ''(G–MMS–4)'' and add, in its place, the word ''(G–MSE–4)''.

§ 160.176–3 [Amended]

187. In § 160.176–3, in paragraph (a), remove the words ''Lifesaving and Fire Safety Standards Branch, U.S. Coast Guard Office of Marine Safety, Security and Environmental Protection'' and add, in their place, the words ''Lifesaving and Fire Safety Division, Marine Safety and Environmental Protection''; and remove the word ''(G–MMS–4)'' and add, in its place, the word ''(G–MSE–4)''.

§§ 160.001–1, 160.002–1, 160.021–9, 160.022–1, 160.022–9, 160.023–9, 160.024–9, 160.028–9, 160.031–9, 160.033–1, 160.034–1, 160.035–8, 160.036–9, 160.037–1, 160.037–9, 160.040–9, 160.047–1, 160.052–1, 160.054–1, 160.055–1, 160.057–1, 160.057–9, 160.060–1, 160.066–18, 160.072–09, and 160.073–5 [Amended]

188. In 46 CFR part 160, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following sections:
(a) Section 160.001–1(d);
(b) Section 160.002–1(c);
(c) Section 160.021–9(b);
(d) Section 160.022–1(c);
(e) Section 160.022–9(b);
(f) Section 160.023–9(b);
(g) Section 160.024–9(b);
(h) Section 160.028–9(b);
(i) Section 160.031–9(b);
(j) Section 160.033–1(b);
(k) Section 160.034–1(b);
(1) Section 160.035–8(b)(1);
(m) Section 160.036–9(b);
(n) Section 160.037–1(c);
(o) Section 160.037–9(b);
(p) Section 160.040–9(b);
(q) Section 160.047–1(c)(1);
(r) Section 160.052–1(c)(1);
(s) Section 160.054–1(b);
(t) Section 160.055–1(c);
(u) Section 160.057–1(c);
(v) Section 160.057–9(b);
(w) Section 160.060–1(c)(1);
(x) Section 160.066–18(b);
(y) Section 160.072–09(a); and
(z) Section 160.073–5(b).

§§ 160.010–1, 160.076–11, 160.077–5, 160.171–3, 160.174–3, and § 160.176–4 [Amended]

189. In addition to the amendments set forth above, in 46 CFR part 160, remove the words ''Lifesaving and Fire Safety Standards Branch (G–MMS–4)'' and add, in their place, the words ''Lifesaving and Fire Safety Division (G–MSE–4)'' in the following sections:
(a) Section 160.010–1(a);
(b) Section 160.076–11(a);
(c) Section 160.077–5(a);
(d) Section 160.171–3(a);
(e) Section 160.174–3(a); and
(f) Section 160.176–4(a).

PART 161—ELECTRICAL EQUIPMENT

190. The authority citation for part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 161.010–1 [Amended]

191. In § 161.010–1, in paragraph (a) remove the words ''the Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

§ 161.013–17 [Amended]

192. In § 161.013–17, in paragraph (a), remove the paragraph designator and remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

§§ 161.002–1, 161.004–1, 161.004–7, 161.010–4, 161.011–10, 161.012–5, and 161.013–11 [Amended]

193. In addition to the amendments set forth above, in 46 CFR part 161, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following places:
(a) Section 161.002–1(c);
(b) Section 161.004–1(d); and

(c) Section 161.004–7(a).
(d) Sections 161.010–4 (a) and (b);
(e) Section 161.011–10(c);
(f) Section 161.012–5(a); and
(g) Section 161.013–11(c)(1).

PART 162—ENGINEERING EQUIPMENT

194. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1321(j) 1903; 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.46.

§ 162.018–8 [Amended]

195. In § 162.018–8, in paragraph (a), remove the word ''(G–MTH)'' and add, in its place, the word ''(G–MSE)''.

§ 162.027–1 [Amended]

196. In § 162.027–1, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

§§ 162.017–3, 162.017–6, 162.027–2, 162.027–6, 162.050–7, and 162.050–15 [Amended]

197. In addition to the amendments set forth above, in 46 CFR part 162, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following sections:
(a) Section 162.017–3(b);
(b) Sections 162.017–6 (a) and (c);
(c) Section 162.027–2(b);
(d) Section 162.027–6(a);
(e) Sections 162.050–7 (a), (f), and (g); and
(f) Sections 162.050–15 (a), (e), and (h).

PART 164—MATERIALS

198. The authority citation for part 164 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 164.019–3 [Amended]

199. In § 164.019–3, in the definition of *Commandant* and in the definition of *Use Code*, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''; and in the definition of *Commandant*, remove the words ''Survival Systems Branch, Office of Marine Safety, Security, and Environmental Protection'' and add, in their place, the words ''Lifesaving and Fire Safety Division, Marine Safety and Environmental Protection''.

§ 164.023–3 [Amended]

200. In § 164.023–3, in paragraph (a), remove the paragraph designators; and remove the words ''Lifesaving and Fire Safety Standards Branch (G–MMS–4)'' and add, in their place, the words ''Lifesaving and Fire Safety Division (G–MSE–4)''.

§§ 164.007–1, 164.008–1, 164.009–9, 164.009–11, 164,012–1, and 164.018–7 [Amended]

201. In addition to the amendments set forth above, in 46 CFR Part 164, remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)'' in the following sections:
(a) Section 164.007–1(c)(1);
(b) Section 164.008–1(c)(1);
(c) Sections 164.009–9 (a) and (d);
(d) Section 164.009–11(a);
(e) Section 164.012–1(b); and
(f) Section 164.018–7(a).

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

202. The authority citation for part 167 continues to read as follows:

Authority: 46 U.S.C. 3306, 6101, 8105, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 167.15–30 [Amended]

203. In § 167.15–30, in paragraph (e), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 169—SAILING SCHOOL VESSELS

204. The authority citation for part 169 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; 49 CFR 1.45, 1.46; § 169.117 also issued under the authority of 44 U.S.C. 3507.

§ 169.115 [Amended]

205. In § 169.115, in paragraph (b), remove the words ''Merchant Vessel Inspection Division'' and add, in their place, the words ''Office of Design and Engineering Standards''.

§ 169.229 [Amended]

206. In § 169.229, in paragraph (e), remove the words ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

207. The authority citation for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 170.010 [Amended]

208. In § 170.010, remove the word ''(G–MSC)''.

§ 170.015 [Amended]

209. In § 170.015, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''

§ 170.100 [Amended]

210. In § 170.100, in paragraph (b), remove the word ''(G–MSC)''.

§ 170.265 [Amended]

211. In § 170.265, in paragraph (c), remove the word ''dmor'' and add, in its place, the word ''door''.

PART 174—SPECIAL RULES PERTAINING TO SPECIFIC VESSEL TYPES

212. The authority citation for part 174 continues to read as follows:

Authority: 42 U.S.C. 9118, 9119, 9153, 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 377; 49 CFR 1.46.

§ 174.007 [Amended]

213. In § 174.007, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 175—GENERAL PROVISIONS

214. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115, 8105; 49 U.S.C. App. 1804; 49 CFR 1.45, 1.46; § 175.01–3 also issued under the authority of 44 U.S.C. 3507.

§ 175.600 [Amended]

215. In § 175.600, in paragraph (a), remove the words ''Standards Evaluation and Development Division (G–MES)'' and add, in their place, the words ''Office of Operating and Environmental Standards (G–MSO)''; in paragraph (b), under the entry for American Boat and Yacht Council (ABYC), remove the word ''Solomon's'' and add, in its place, the word ''Solomons''; under the entry for American Bureau of Shipping (ABS), remove the words ''16855 Northchase Drive, Houston, TX 77060'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''; and under the entry for American National Standards Institute (ANSI), remove the words ''United Engineering Center, 345 East 47th St., New York, NY 10017'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

PART 182—MACHINERY INSTALLATION

216. The authority citation for part 182 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 182.15–40 [Amended]

217. In § 182.15–40, in paragraph (a)(3), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

§ 182.20–40 [Amended]

218. In § 182.20–40, in paragraph (a)(2)(ii), remove the word ''(G–MMS)'' and add, in its place, the word ''(G–MSE)''.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

219. The authority citation for part 184 continues to read as follows:

Authority: 46 U.S.C. 3306; 49 CFR 1.46.

§ 184.01–3 [Amended]

220. In § 184.01–3, in paragraph (a), remove the words ''Merchant Vessel Inspection and Documentation Division, (G–MVI)'' and add, in their place, the words ''Office of Design and Engineering Standards''.

PART 188—GENERAL PROVISIONS

221. The authority citation for part 188 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 188.35–5 [Amended]

222. In § 188.35–5, in paragraph (b), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 189—INSPECTION AND CERTIFICATION

223. The authority citation for part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(J); 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46.

§ 189.40–3 [Amended]

224. In § 189.40–3, in paragraphs (e)(1), (e)(3), and (g) remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

§ 189.55–15 [Amended]

225. In § 189.55–15, in paragraph (a)(2), remove the number ''20593'' and add, in its place, the number ''20590''; and in paragraph (a)(3), remove the word ''(G–MSC)''.

§ 189.60–45 [Amended]

226. In § 189.60–45, in paragraph (a), remove the words ''45 Eisenhower Drive, Paramus, NJ 07653–0910'' and add, in their place, the words ''Two World Trade Center, 106th Floor, New York, NY 10048''.

PART 190—CONSTRUCTION AND ARRANGEMENT

227. The authority citation for part 190 continues to read as follows:

Authority: 46 U.S.C. 2113, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277 49 CFR 1.46.

§ 190.01–3 [Amended]

228. In § 190.01–03, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''office of Design and Engineering Standards (G–MSE)''.

PART 193—FIRE PROTECTION EQUIPMENT

229. The authority citation for part 193 continues to read as follows:

Authority: 46 U.S.C. 2213, 3102, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 COMP., P. 277; 49 CFR 1.46.

§ 193.01–3 [Amended]

230. In § 193.01–3, in paragraph (a), remove the words ''Design and Engineering Standards Division (G–MMS)'' and add, in their place, the words ''Office of Design and Engineering Standards (G–MSE)''.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

231. The authority citation for part 195 continues to read as follows:

Authority: 46 U.S.C. 2113. 3306; 49 U.S.C. App. 1804; E.0. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

§ 195.01–3 [Amended]

232. In § 195.01–3, in paragraph (a), remove the words ''Marine Technical and Hazardous Materials Division'' and add, in their place, the words ''Office of Design and Engineering Standards''.

PART 197—GENERAL PROVISIONS

233. The authority citation for part 197 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703, 6101; 49 CFR 1.46.

§ 197.205 [Amended]

234. In § 197.205, in paragraph (b)(1), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

§ 197.510 [Amended]

235. In § 197.510, in paragraph (a), remove the words ''Operating and Environmental Standards Division (G–MOS)'' and add, in their place, the words ''Office of Operating and Environmental Standards (G–MOS)''; and in paragraph (b), under the entry for American National Standards Institute (ANSI), remove the words ''1430 Broadway, New York, NY 10018'' and add, in their place, the words ''11 West 42nd Street, New York, NY 10036''.

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

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

Authority: 46 U.S.C. 3306, 3703; 46 CFR 1.46.

§ 199.05 [Amended]

237. In § 199.05, in paragraph (a), remove the word ''Branch'' and add, in its place, the word ''Division''.

§ 199.20 [Amended]

238. In § 199.20, in paragraph (a)(1), (a)(2), (b), and (c), remove the word ''(G–MCO)'' and add, in its place, the word ''(G–MOC)''.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

239. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 6101, 7701, 8105, 9303, 9304; 49 CFR 1.45, 1.46. 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

240. In § 401.110, in paragraph (a)(9) is revised to read as follows:

§ 401.110 Definitions

* * * * *

(a) * * *

(9) Director means Director, Great Lakes Pilotage. Communications with the Director may be sent to the following address: Director, Great Lakes Pilotage, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Washington, DC 20590–0001.

* * * * *

Dated: September 20, 1996.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Marine Safety and Environmental Protection.

[FR Doc. 96–24834 Filed 9–26–96; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[FCC 96–339]

Competitive Service Safeguards for Local Exchange Carrier Provision

AGENCY: Federal Communications Commission.

ACTION: Final rule; waiver.

SUMMARY: In this *Memorandum Opinion and Order,* the Commission grants the Petition for Limited Waiver of Ameritech Communications Incorporated (''ACI''). In the petition, ACI sought a limited waiver of certain provisions of Section 22.903 of the Commission's rules, which set forth limitations on Bell Operating Companies that provide cellular service. As a result of the Commission's grant of the waiver, ACI is allowed to provide cellular service with access to ACI's landline facilities both inside and outside of Ameritech's region, on the conditions described further below.

EFFECTIVE DATE: August 22, 1996.

FOR FURTHER INFORMATION CONTACT: Jane Halprin, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418–0620.

SUPPLEMENTARY INFORMATION: This *Memorandum Opinion and Order,* in Docket No. 95–14, adopted on August 9, 1996, and released on August 22, 1996, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 230, 1919 M Street, N.W., Washington, D.C. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857–3800.

Synopsis of the Memorandum Opinion and Order

I. Background

1. On October 11, 1995, Ameritech Communications, Incorporated (''ACI'') filed a Petition for Limited Waiver (''Petition'') with the Commission. The Petition sought a waiver of certain provisions of Section 22.903 of the Commission's rules, 47 CFR § 22.903, which set forth various limitations on Bell Operating Companies (''BOCs'') that provide cellular service. Specifically, ACI, as an affiliate of Ameritech Corporation (a BOC), sought a waiver of Section 22.903(a), 47 CFR § 22.903(a), which prohibits BOC affiliates that provide cellular service from owning any facilities for providing landline telephone service. ACI also sought a waiver of Section 22.903(e), 47 CFR § 22.903(e), which prohibits BOCs from promoting or selling cellular service for their affiliates; ACI sought such a waiver to the extent that the provision would prohibit it from promoting or selling cellular service for Ameritech's cellular subsidiary, Ameritech Cellular Services (''ACS''). According to its Petition, ACI contended that it sought these limited waivers so that it could resell cellular services, or sell cellular services as a sales agent for ACS, to ACI customers, and thereby offer those customers one-stop shopping opportunities.

2. On October 19, 1995, the Wireless Telecommunications Bureau sought comment on ACI's Petition to determine whether the request was consistent with the waiver criteria set forth in the Commission's rules, and whether the request was consistent with the Commission's public interest goals. *See* Public Notice, DA 95–2198, ''Wireless Telecommunications Bureau Seeks Comment on Ameritech's Petition for Partial Waiver of Section 22.903 of the Commission's Rules'' (released October 19, 1995). The Bureau received several comments. In this *Memorandum Opinion and Order,* the Commission grants ACI a waiver of Section 22.903(a), and declaratory relief from Section 22.903(e).

II. Discussion

3. In its Petition, ACI, as a separate affiliate of Ameritech, sought authority to provide wireless and wireline service, as a facilities-based carrier. ACI sought a waiver of Section 22.903(a), which prohibits BOC affiliates from owning facilities for providing landline telephone service, because it needs to purchase switching equipment for landline traffic. ACI also sought a waiver of Section 22.903(e), which prohibits BOC affiliates from promoting or selling cellular service for another BOC affiliate, because ACI wishes to be a sales agent for ACS. In support of its Petition, ACI explained that it is a start-up carrier, and is structurally separate from Ameritech Operating Companies in all material respects, thereby diminishing opportunities for BOC cross-subsidization and interconnection discrimination. Thus, ACI explained, a waiver would further the public interest by promoting competition.

4. Several commenters opposed the waiver, claiming that a waiver would be anticompetitive. However, based on the record in this proceeding, and uncontroverted information received in another proceeding, ''Ameritech Communication's Inc. Petition for Nondominant Status'' (filed July 21, 1995), the Commission disagreed, and granted the waiver.

5. The Commission concluded that ACI's relationship with Ameritech and its other affiliates complies with the basic requirement of Section 22.903, which requires that BOCs provide cellular service through structurally separate subsidiaries.

6. In granting the requested waiver, the Commission noted two important events that transpired since ACI filed its Petition. First, the Telecommunications Act of 1996 was enacted. Public Law No. 104–104, 110 Stat. 56 (1996), amending the Communications Act of 1934, as amended, 47 U.S.C. §§ 151 *et seq.* Section 601(d) of the Act permits ACI to engage in joint marketing and resale of cellular services with landline services on the terms set forth in its Petition. However, the Commission stated that it would continue to apply the other requirements of Section 22.903 to ACI (except for 22.903(a), for which a waiver was granted, as explained below). Thus, the Commission noted that ''joint sales'' or resale by ACI of Ameritech's cellular services together with landline services must involve services acquired on an arm's length basis from ACI's affiliates, consistent with the affiliate transaction accounting rules and with the basic structural separation requirement of Section 22.903. The Commission observed that, because ACI is already established as a structurally separate affiliate, this requirement conforms not only with Section 601(d) but also with ACI's business plan. The Commission thus granted declaratory relief from Section 22.903(e), subject to certain conditions, discussed above.

7. The second development since ACI filed its petition is that the Commission has commenced a comprehensive review of competitive safeguards as they apply to local exchange carriers that provide commercial radio services (''CMRS''), including BOCs that provide cellular service. In the *CMRS Safeguards Notice of Proposed Rulemaking,* 61 FR 46420 (September 3, 1996), the Commission proposed to amend Section 22.903(a) to permit a BOC cellular affiliate to own landline facilities for the provision of competitive landline local exchange service. The Commission has already waived Section 22.903(a) for all BOC affiliates' out-of-region operations (*i.e.*, regions where the BOC is not the local exchange carrier), including ACI. The Commission concluded that ACI's separation from Ameritech's other affiliates provided a substantial basis for extending a waiver for ACI's in-region

operations as well. ACI's separation from both incumbent cellular operations and from incumbent local exchange operations lessens the Commission's concerns about improper cross-subsidization and discriminatory interconnection practices. Therefore, the Commission decided to permit ACI to provide cellular service with access to the landline facilities, both inside and outside Ameritech's region, as long as ACI remains structurally separate from Ameritech's telephone local exchange operating companies and its cellular affiliate.

III. Ordering Clauses

It is ordered that, pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303, and Sections 1.3 and 22.119 of the Commission's rules, 47 CFR §§ 1.3 and 22.119, a waiver of Section 22.903(a), 47 CFR § 22.903(a), is GRANTED to Ameritech Communications, Incorporated.

It is further ordered that, pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303, and Section 1.2 of the Commission's rules, 47 CFR § 1.2, Ameritech Communications, Incorporated, IS DECLARED not subject to Section 22.903(e), subject to the conditions discussed herein.

List of Subjects in 47 CFR Part 22

Radio.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 96–24818 Filed 9–26–96; 8:45 am]

BILLING CODE 6712–01–P

SOCIAL SECURITY ADMINISTRATION

48 CFR Chapter 23

RIN 0960–AE12

Establishment of Acquisition Regulations

AGENCY: Social Security Administration (SSA).

ACTION: Final rule.

SUMMARY: This rule establishes an agency acquisition regulation for the Social Security Administration (SSA) to implement and supplement the Federal Acquisition Regulation (FAR). SSA was established as an independent agency March 31, 1995 in accordance with the Social Security Independence and Program Improvements Act (SSIPIA). Publication of this rule terminates the application of the Health and Human Services Acquisition Regulation (HHSAR) to SSA acquisitions and contracts.

EFFECTIVE DATE: This regulation is effective October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Susan Reed, Division of Policy and Information Management, Office of Acquisition and Grants, 1710 Gwynn Oak Ave., Baltimore, MD, 21207, telephone (410) 965–9547, telefax (410) 966–1261.

SUPPLEMENTARY INFORMATION:

A. Background

SSA was formerly an operating division of the Department of Health and Human Services (HHS). SSA acquisitions and contracts were subject to requirements and procedures set forth in the FAR, supplemented by the Health and Human Services Acquisition Regulation (HHSAR), contained in Chapter 3 of Title 48 of the Code of Federal Regulations. The SSIPIA established SSA as an independent agency on March 31, 1995. Section 106(b) of the SSIPIA provided that the Department regulations, such as the HHSAR, continue to apply until such time as the Commissioner of SSA modifies, terminates, suspends, sets aside, or repeals them. Now, because of its independence, SSA will implement and supplement the regulatory parts of the FAR through its own agency supplement, the Social Security Acquisition Regulation (SSAR), maintained in Chapter 23 of Title 348 of the Code of Federal Regulations. By this publication, the SSAR supersedes and terminates HHSAR application to SSA. The SSAR will, however, comprise only those policies and procedures which have a significant effect beyond SSA's internal operating procedures or have a significant cost or administrative impact on contractors or offerors.

In order to implement its own streamlined, yet effective acquisition guidance process, SSA has elected to publish only a skeletal agency acquisition regulation, the SSAR, and to incorporate the bulk of its acquisition and contracting policies and procedures into an internal document, a desktop handbook. The handbook is limited to specific internal contracting and acquisition procedures, including workflow procedures, designations and delegations of authority, and internal reporting requirements.

We anticipate making minimal future additions and changes to the SSAR. We will do so, however, when circumstances warrant. SSA will follow the FAR and SSAR for all regulatory requirements and our own internal guidance contained within the handbook.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, Public Law 98–577, requires the preparation of a regulatory flexibility analysis for any rule which is likely to have a significant economic impact on a substantial number of small entities. We certify that this rule will not have a significant economic impact on a substantial number of small entities because the rule merely reflects the adoption of a new chapter for the publication of the SSAR and does not initiate any new policies or procedures which would impact the public. Therefore, a regulatory flexibility analysis is not required.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

D. Administrative Procedure Act

This rule is being published as a final rule instead of as a proposed rule. Section 702(a)(5) of the Social Security Act makes the regulations we prescribe subject to the rulemaking procedures established under section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553. The APA generally requires publication of a notice of proposed rulemaking and the solicitation of comments from interested persons. However, the APA provides exceptions to notice and comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest.

After due consideration, we have determined that, under 5 U.S.C. 553(b)(B), good cause exists for waiver of notice of proposed rulemaking because such procedure is unnecessary. These final regulations will alter no substantive procedures or policies. They will merely terminate the application of the HHSAR to SSA acquisitions and contracts. The procedures and policies in effect after the date SSA gained the status of an independent agency will remain largely unchanged. The differences are of form only and are necessary to adapt the former regulations to the operating structures of this agency. Accordingly, promulgation

of these regulations pursuant to notice and comment rulemaking is unnecessary and may be dispensed with pursuant to 5 U.S.C. 553(b)(B).

G. Office of Federal Procurement Policy Act

The Office of Federal Procurement Policy Act, as amended (41 U.S.C. 418b) and FAR subparts 1.3 and 1.5 require publication of agency acquisition regulations for public comment when they have a significant effect beyond the internal operating procedures of the agency or result in significant cost or administrative impact on contractors or offerors. Because this final rule neither significantly affects the Agency's internal operating procedures nor results in significant costs or administrative impact on contractors or offerors, its publication without public comment is in compliance with the Act and FAR subparts 1.3 and 1.5.

List of Subjects in 48 CFR Part 2301

Government procurement, Social Security acquisition regulation.

Dated: September 6, 1996.

Shirley S. Chater,

Commissioner of Social Security.

For the reasons stated in the Preamble, Chapter 23 is added to Title 48 to read as follows:

CHAPTER 23—SOCIAL SECURITY ADMINISTRATION

SUBCHAPTER A—GENERAL

PART 2301—SOCIAL SECURITY ACQUISITION REGULATION SYSTEM

Subpart 2301.1—Purpose, Authority, Issuance

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

PART 2301—SOCIAL SECURITY ACQUISITION REGULATION

Subpart 2301.1—Purpose, Authority, Issuance

2301.101 Purpose.

(a) The Social Security Acquisition Regulation (SSAR) is issued to establish uniform acquisition policies and procedures for the Social Security Administration (SSA) which conform to the Federal Acquisition Regulation (FAR) System.

(b) The SSAR implements and supplements the FAR. (Implementing material expands upon or indicates the manner of compliance with related FAR material. Supplementing material refers to policies or procedures which have no corresponding counterpart in the FAR.)

(c) The SSAR contains only formal agency policies and procedures which have a significant effect beyond SSA's internal operating procedures or which have a significant cost or administrative impact on contractors or offerors.

2301.103 Authority.

The SSAR is prescribed under the authority of 5 U.S.C. 301 and section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)).

2301.104 Applicability.

The FAR and SSAR apply to all SSA acquisitions as stated in FAR 1.104. Unless specified otherwise, the FAR and SSAR apply to acquisitions within and outside the United States.

2301.105 Issuance.

2301.105–1 Publication and code arrangement.

(a) The SSAR is also published in the same forms as indicated in FAR 1.105–1(a).

(b) The SSAR is issued in the Code of Federal Regulations (CFR) as Chapter 23 of Title 48, Social Security Acquisition Regulation (SSAR). It may be referenced as ''48 CFR chapter 23.''

2301.105–2 Arrangement of regulations.

(a) *General.* The SSAR conforms to the FAR with respect to divisional arrangements; i.e., subchapters, parts, subparts, sections, subsections, and paragraphs.

(b) *Numbering.* The FAR System of numbering permits the keying of the same or similar subject matter throughout Chapters 1 (FAR) and 23 (SSAR) of Title 48, CFR. However, SSA's system varies somewhat from that of the FAR numbering scheme, in the numbering to the left of the decimal point. Whereas the FAR only identifies the part number of 48 CFR to the left of the decimal point, our corresponding reference identifies the chapter as well. For example, the FAR paragraph corresponding to this SSAR paragraph is numbered 1.105–2(b) where ''1'' is the part number (may be one or two digits and is followed by a decimal point), ''1'' (to the right of the decimal point) is the subpart number, ''05'' (always two digits) is the section number, ''2'' is the subsection number (always hyphenated), and ''(b)'' is the paragraph reference. This SSAR reference is 2301.105–2(b) where the ''23'' is the chapter number assigned to SSA and the ''01'' represents the part number (part numbers will always be two digits for agencies implementing the FAR). The remaining numbers to the right of the decimal point are identical to and reflect the same divisions as in the FAR numbering scheme.

(c) *References and citations.* (1) Unless otherwise stated, references indicate parts, subparts, sections, subsections, etc., of this regulation, the SSAR.

(2) This regulation shall be referred to as the Social Security Acquisition Regulation (SSAR). Any reference may be cited as ''SSAR'' followed by the appropriate number. Within the SSAR, the number alone will be used.

(3) Citations of authority shall be incorporated where necessary. All FAR reference numbers shall be preceded by ''FAR.''

[FR Doc. 96–24278 Filed 9–26–96; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD69

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits taking of designated species during the 1996–97 season.

EFFECTIVE DATE: September 27, 1996.

ADDRESSES: The public may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1996

On March 22, 1996, the Service published in the Federal Register (61

FR 11992) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under Sections 20.101 through 20.107, 20.109, and 20.110 of subpart K. These regulations were proposed for certain designated members of the avian families Anatidae (ducks, geese, and swans), Columbidae (doves and pigeons), Gruidae (cranes), Rallidae (rails, coots, moorhens, and gallinules), and Scolopacidae (woodcock and snipe), designated as ''migratory game birds'' in conventions between the United States and several foreign nations for their protection and management. All other birds designated as migratory (under 10.13 of Subpart B of 50 CFR Part 10) in the aforementioned conventions may not be hunted. On June 13, 1996, the Service published in the Federal Register (61 FR 30114) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. The June 13 supplement also provided detailed information on the 1996–97 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings. On June 14, 1996, the Service published in the Federal Register (61 FR 30490) a third document describing the Service's proposed 1996–97 regulatory alternatives for duck hunting and its intent to consider establishing a special youth waterfowl hunting day. On June 27, 1996, the Service held a public hearing in Washington, DC, as announced in the March 22 and June 14 Federal Registers, to review the status of migratory shore and upland game birds. The Service discussed hunting regulations for these species and for other early seasons. On July 22, 1996, the Service published in the Federal Register (61 FR 37994) a fourth document specifically dealing with proposed early-season frameworks for the 1996–97 season. This document also extended the public comment period to August 1, 1996, for early-season proposals.

On August 2, 1996, the Service held a public hearing in Washington, DC, as announced in the March 22, June 14, and July 22 Federal Registers, to review the status of waterfowl and discuss proposed hunting regulations for late seasons. On August 15, 1996, (61 FR 42506), the Service published a fifth and sixth document on migratory bird hunting. The fifth document dealt specifically with proposed frameworks for the 1996–97 late-season migratory bird hunting regulations while the sixth document proposed establishing a youth waterfowl hunting day for the 1996–97 duck-hunting season. On August 29, 1996, the Service published a seventh document containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits. On August 30, 1996, the Service published in the Federal Register (61 FR 46357) an eighth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. On September 18, 1996, the Service published a ninth document on the final frameworks for establishing a youth waterfowl hunting day. The Service published on September 20, 1996, a tenth document consisting of a final rule amending subpart K of title 50 CFR Part 20 to set hunting seasons, hours, areas, and limits for the youth waterfowl hunting day. The Service published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1996–97 in an eleventh document in the September 26, 1996, Federal Register. The final rule described here is the twelfth and final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 1996–97 and deals specifically with amending subpart K of 50 CFR part 20 to set hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

As in the past, the Service designs hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. Consultations were conducted to ensure that actions resulting from these regulations will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES**.

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the March 22, and September 26, 1996, Federal Registers, the Service reported measures it took to comply with requirements of the Regulatory Flexibility Act and E.O. 12866. To document the significant beneficial economic effect on a substantial number of small entities, the Service prepared a Small Entity Flexibility Analysis that estimated migratory bird hunters would spend between $254 and $592 million at small businesses in 1996. Copies are available upon request from the Office of Migratory Bird Management. This rule was reviewed by the Office of Management and Budget (OMB) under E.O. 12866. The Department examined these proposed regulations under the Paperwork Reduction Act of 1995. The various information collection requirements are utilized in the formulation of migratory game bird hunting regulations. OMB has approved these information collection requirements and assigned clearance numbers 1018–0015 and 1018–0023.

Congressional Review

In accordance with Section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 8), this rule has been submitted to Congress and has been declared major. Because this rule establishes hunting seasons, this rule qualifies for an exemption under 5 U.S.C. 808(1); therefore, the Department determines that this rule shall take effect immediately.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service

recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States and Territories would have insufficient time to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

Unfunded Mandates

The Service has determined and certifies in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 24, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, Part 20, subpart K is amended as follows:

1. The authority citation for Part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712; and 16 U.S.C. 742 a—j.

BILLING CODE 4310–55–F

Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 29 and September 26 Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 1996, Federal Register (61 FR 46357).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	5 (3)	8
Possession limit	25 (1)	30 (2)	10 (3)	16
ATLANTIC FLYWAY				
		* * * * *		
Massachusetts (5)	Sept. 2-Nov. 9	Closed	Oct. 19-Nov. 30	Sept. 2-Dec. 17
		* * * * *		
Vermont	Closed	Closed	Oct. 1-Nov. 14	Oct. 1-Dec. 9
MISSISSIPPI FLYWAY				
		* * * * *		
Tennessee				
Reelfoot Zone	Nov. 16-Nov. 17 & Dec. 3-Jan. 19	Closed	Oct. 12-Dec. 15	Nov. 14-Feb. 28
State Zone	Nov. 30-Dec. 24 & Dec. 26-Jan. 19	Closed	Oct. 12-Dec. 15	Nov. 14-Feb. 28
Wisconsin				
North Zone	Sept. 28-Nov. 16	Closed	Sept. 14-Nov. 17	Sept. 28-Nov. 16
South Zone	Sept. 28-Oct. 6 & Oct. 12-Nov. 21	Closed	Sept. 14-Nov. 17	Sept. 28-Oct. 6 & Oct. 12-Nov. 21
CENTRAL FLYWAY				
		* * * * *		
New Mexico (16)				
North Zone	Oct. 19-Nov. 8 & Nov. 19-Jan. 19	Closed	Closed	Oct. 19-Nov. 8 & Nov. 19-Jan. 19
South Zone	Oct. 29-Jan. 19	Closed	Closed	Oct. 29-Jan. 19
		* * * * *		
Texas	Sept. 14-Sept. 22 & Nov. 9-Jan. 8	Sept. 14-Sept. 22 & Nov. 9-Jan. 8	Nov. 28-Jan. 31	Oct. 19-Feb. 2
Wyoming	Sept. 14-Nov. 17	Closed	Closed	Sept. 14-Dec. 15
PACIFIC FLYWAY				
Arizona (17)				
North Zone	Closed	Closed	Closed	Oct. 11-Jan. 11
South Zone	Closed	Closed	Closed	Oct. 11-Oct. 20 & Oct. 29-Jan. 19
California	Closed	Closed	Closed	Oct. 5-Jan. 19
		* * * * *		
Nevada				
Clark County	Closed	Closed	Closed	Nov. 2-Jan. 19
Rest of State	Closed	Closed	Closed	Oct. 12-Jan. 12
New Mexico (16)	Oct. 12-Oct. 27 & Nov. 4-Jan. 19	Closed	Closed	Oct. 12-Oct. 27 & Nov. 4-Jan. 19

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Oregon				
Zone 1	Closed	Closed	Closed	Oct. 12-Jan. 12
Zone 2	Closed	Closed	Closed	Oct. 5-Jan. 5
Utah				
Zone 1	Closed	Closed	Closed	Oct. 5-Jan. 12
Washington				
East Zone	Closed	Closed	Closed	Oct. 12-Jan. 19
West Zone	Closed	Closed	Closed	Oct. 12-Jan. 12

* * * * *

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.
(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States.
(3) In States of the Atlantic Flyway, the woodcock bag limit is 3 daily and 6 in possession.
(5) In Massachusetts, the sora bag limit is 5 daily and 10 in possession; the Virginia rail bag limit is 10 daily and 20 in possession.

* * * * *

(16) In New Mexico, the rail limits are 10 daily and 10 in possession.
(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In Section 20.105, paragraphs (a) and (b) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 29 and September 26 Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 1996, Federal Register (61 FR 46357). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits Bag	Limits Possession
ATLANTIC FLYWAY			
	* * * * *		
Georgia	Nov. 27-Dec. 1 &	15	30
	Dec. 7-Jan. 20	15	30
	* * * * *		
Virginia	Oct. 9-Oct. 12 &	15	30
	Nov. 26-Nov. 30 &	15	30
	Dec. 9-Jan. 18	15	30
West Virginia			
Zone 1	Oct. 1-Oct. 12 &	15	30
	Dec. 12-Jan. 18	15	30
Zone 2	Oct. 1-Oct. 12 &	15	30
	Nov. 21-Dec. 28	15	30
MISSISSIPPI FLYWAY			
	* * * * *		
Michigan			
North Zone	Sept. 28-Nov. 16	15	30
Middle Zone	Oct. 5-Nov. 23	15	30
South Zone	Oct. 12-Nov. 30	15	30
Minnesota (2)	Sept. 28-Nov. 16	15	30
	* * * * *		
Tennessee			
Reelfoot Zone	Nov. 16-Nov. 17 &	15	30
	Dec. 3-Jan. 19	15	30
State Zone	Nov. 30-Dec. 24 &	15	30
	Dec. 26-Jan. 19	15	30

	Season Dates	Limits Bag	Possession
Wisconsin			
North Zone	Sept. 28-Nov. 16	15	30
South Zone	Sept. 28-Oct. 6 &	15	30
	Oct. 12-Nov. 21	15	30
CENTRAL FLYWAY			
New Mexico (1)			
North Zone	Oct. 19-Nov. 8 &	1	2
	Nov. 19-Jan. 19	1	2
South Zone	Oct. 29-Jan. 19	1	2
	* * * * *		
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e).		

(1) The season applies to common moorhens only.
(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots, moorhens, and gallinules in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 1996, Federal Register (61 FR 46357).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits Bag	Possession
Connecticut	Oct. 1-Jan. 15	7	14
	* * * * *		
Georgia	Nov. 27-Jan. 20	7	14
Maine	Oct. 4-Jan. 18	7	14
Maryland	Oct. 7-Jan. 20	5	10
Massachusetts	Oct. 7-Jan. 20	7	14
	* * * * *		
North Carolina	Oct. 5-Jan. 18	7	14
	* * * * *		
South Carolina	Oct. 6-Jan. 20	7	14
Virginia	Oct. 6-Jan. 20	7	14

Note: Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the entire Atlantic Flyway) and all other geese except light geese.

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 1 female mallard, 1 pintail, 1 black duck, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Limits Possession
Connecticut (1)			
Ducks (2):			
North Zone	Oct. 19-Oct. 26 &	5	10
	Nov. 16-Dec. 27	5	10
South Zone	Oct. 19-Oct. 26 &	5	10
	Dec. 2-Jan. 11	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Closed	--	--
South Zone	Closed	--	--
(special season)	Jan. 15-Feb. 15	State Permit Only	
Light Geese	Oct. 19-Feb. 1	8	24
Brant:			
North Zone	Nov. 28-Dec. 27	2	4
South Zone	Dec. 13-Jan. 11	2	4
Delaware			
Ducks	Oct. 3-Oct. 5 &	5	10
	Nov. 4-Nov. 9 &	5	10
	Nov. 25-Jan. 4	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
Light Geese:			
Bombay Hook NWR	Nov. 15-Nov. 22	8	24
Statewide	Oct. 21-Nov. 14 &	8	24
	Nov. 25-Jan. 11 &	8	24
	Jan. 25-Feb. 8	8	24
	Feb. 28-Mar. 8	8	24
Brant	Dec. 21-Jan. 20	2	4
Florida			
Ducks	Nov. 27-Dec. 1 &	5	10
	Dec. 7-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese	Closed	--	--
Georgia			
Ducks	Nov. 27-Dec. 1 &	5	10
	Dec. 7-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season) (3)	Nov. 27-Dec. 1	State Permit Only	
	Jan. 11-Jan. 31	State Permit Only	
Light Geese	Same as for ducks	2	4
Brant	Closed	--	--
Maine			
Ducks (4):			
North Zone	Oct. 1-Oct. 26 &	5	10
	Oct. 31-Nov. 23	5	10
South Zone	Oct. 1-Oct. 19 &	5	10
	Nov. 14-Dec. 14	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Closed	--	--
South Zone	Closed	--	--
Light Geese	Oct. 1-Jan. 15	5	10
Brant	Oct. 1-Oct. 30	2	4
Maryland			
Ducks (5)	Oct. 9-Oct. 12 &	4	8
	Nov. 18-Nov. 29 &	4	8
	Dec. 16-Jan. 18	4	8
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
(special season)	Jan. 15-Feb. 15	3	6
Light Geese	Oct. 26-Nov. 29 &	8	16
	Dec. 16-Jan. 18 &	8	16
	Jan. 30-Mar. 8	8	16
Brant	Nov. 27-Nov. 29 &	2	4
	Dec. 23-Jan. 18	2	4

	Season Dates	Limits Bag	Limits Possession
Massachusetts			
Ducks:			
Western Zone	Oct. 15-Dec. 3	5	10
Central Zone	Oct. 18-Oct. 26 &	5	10
	Nov. 11-Dec. 21	5	10
Coastal Zone (6)	Oct. 23-Nov. 2 &	5	10
	Nov. 27-Jan. 4	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Western Zone	Closed	--	--
Central Zone	Closed	--	--
(special season) (3)	Jan. 15-Feb. 5	5	10
Coastal Zone	Closed	--	--
(special season) (3)	Jan. 15-Feb. 5	5	10
Light Geese:			
Western Zone	Same as for ducks	5	10
Central Zone	Same as for ducks	5	10
Coastal Zone	Same as for ducks	5	10
Brant:			
Berkshire & Central Zone	Closed	--	--
Coastal Zone	Nov. 27-Dec. 14 &	2	4
	Dec. 24-Jan. 4	2	4
New Hampshire			
Ducks (7):			
Inland Zone	Oct. 3-Nov. 3 &	5	10
	Nov. 23-Dec. 10	5	10
Coastal Zone	Oct. 4-Oct. 14 &	5	10
	Nov. 23-Dec. 31	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Inland Zone	Closed	--	--
Coastal Zone	Closed	--	--
Light Geese:			
Inland Zone	Oct. 3-Dec. 10	8	24
Coastal Zone	Oct. 4-Dec. 31	8	24
Brant:			
Inland Zone	Oct. 3-Nov. 1	2	4
Coastal Zone	Oct. 4-Oct. 14 &	2	4
	Nov. 23-Dec. 11	2	4

	Season Dates	Limits Bag	Limits Possession
New Jersey			
Ducks:			
North Zone	Oct. 12-Oct. 26 &	5	10
	Nov. 28-Jan. 1	5	10
South Zone	Oct. 19-Nov. 2 &	5	10
	Nov. 28-Jan. 1	5	10
Coastal Zone	Nov. 1-Nov. 30 &	5	10
	Dec. 16-Jan. 4	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
North Zone	Closed	--	--
South Zone	Closed	--	--
Coastal Zone	Closed	--	--
(special season) (3)	Jan. 15-Feb. 15	5	10
Light Geese:			
North Zone	Oct. 20-Nov. 20 &	8	24
	Nov. 28-Jan. 1 &	8	24
	Jan. 15-Feb. 15	8	24
South Zone	Oct. 19-Nov. 2 &	8	24
	Nov. 28-Jan. 3 &	8	24
	Jan. 15-Mar. 10	8	24
Coastal Zone	Oct. 12-Jan. 4 &	8	24
	Jan. 15-Feb. 5	8	24
Brant:			
North Zone	Oct. 12-Oct. 26 &	2	4
	Nov. 28-Dec. 12	2	4
South Zone	Oct. 19-Nov. 2 &	2	4
	Nov. 28-Dec. 12	2	4
Coastal Zone	Nov. 1-Nov. 30	2	4
New York			
Ducks:			
Long Island Zone	Nov. 27-Dec. 1 &	5	10
	Dec. 7-Jan. 20	5	10
Lake Champlain Zone	Oct. 9-Oct. 20 &	5	10
	Nov. 2-Dec. 9	5	10
Northeastern Zone (8)	Oct. 5-Oct. 20 &	5	10
	Oct. 26-Nov. 28	5	10
Southeastern Zone (8)	Oct. 12-Oct. 20 &	5	10
	Nov. 9-Dec. 19	5	10
Western Zone (8)	Oct. 12-Nov. 17 &	5	10
	Dec. 21-Jan. 2	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
New York (cont.)			
Canada Geese:			
Long Island Zone	Closed	--	--
Lake Champlain Zone	Closed	--	--
Northeastern Zone	Closed	--	--
Southeastern Zone	Closed	--	--
Western Zone	Closed	--	--
Special season	Jan. 15-Feb. 15	5	10
Light Geese:			
Long Island Zone	Oct. 12-Nov. 11 &	8	24
	Nov. 27-Dec. 1 &	8	24
	Dec. 7-Feb. 15	8	24
Lake Champlain Zone	Oct. 1-Jan. 15	8	24
Northeastern Zone	Oct. 5-Jan. 19	8	24
Southeastern Zone	Oct. 12-Jan. 26	8	24
Western Zone	Oct. 12-Jan. 26	8	24
Brant:			
Long Island Zone	Nov. 27-Dec. 1 &	2	4
	Dec. 7-Dec. 31	2	4
Lake Champlain Zone	Oct. 16-Nov. 14	2	4
Northeastern Zone	Oct. 12-Nov. 10	2	4
Southeastern Zone	Oct. 12-Nov. 10	2	4
Western Zone	Oct. 12-Nov. 10	2	4
North Carolina			
Ducks (9)	Oct. 3-Oct. 5 &	5	10
	Nov. 25-Nov. 30 &	5	10
	Dec. 9-Jan. 18	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
Light Geese	Nov. 25-Mar. 10	8	24
Brant	Dec. 21-Jan. 18	2	4
Pennsylvania			
Ducks:			
North Zone	Oct. 12-Oct. 26 &	5	10
	Nov. 2-Dec. 6	5	10
South Zone	Oct. 12-Oct. 26 &	5	10
	Nov. 28-Jan. 1	5	10
Northwest Zone	Oct. 12-Oct. 19 &	5	10
	Nov. 9-Dec. 20	5	10
Lake Erie Zone	Nov. 5-Dec. 14 &	5	10
	Dec. 19-Dec. 28	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Pennsylvania (cont.)			
Canada Geese:			
North Zone	Closed	--	--
South Zone	Closed	--	--
(special season) (10)	Jan. 15-Feb. 15	5	10
Erie, Mercer, and Butler Counties	Oct. 12-Oct. 19 &	1	2
	Nov. 9-Jan. 9	2	4
Crawford County	Oct. 12-Oct. 19 &	1	2
	Nov. 9-Dec. 5	1	2
Light Geese	Nov. 9-Dec. 11 &	8	24
	Dec. 28-Mar. 10	8	24
Brant	Nov. 2-Nov. 30	2	4
Rhode Island			
Ducks	Oct. 11-Oct. 14 &	5	10
	Nov. 27-Dec. 1 &	5	10
	Dec. 11-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
(special season)	Jan. 15-Feb. 15	5	10
Light Geese	Oct. 11-Oct. 14 &	5	10
	Nov. 27-Jan. 20	5	10
Brant	Nov. 27-Dec. 1	2	4
	Dec. 27-Jan. 20	2	4
South Carolina			
Ducks (11)	Nov. 27-Nov. 30 &	5	10
	Dec. 6-Jan. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese (special season) (3)	Nov. 27-Nov. 30 &	5	10
	Dec. 21-Jan. 4 &	5	10
	Jan. 18-Jan. 24 &	5	10
	Jan. 26-Feb. 1	5	10
Light Geese	Same as for ducks	5	10
Brant	Same as for ducks	2	4
Vermont			
Ducks:			
Lake Champlain Zone	Oct. 9-Oct 20 &	5	10
	Nov. 2-Dec. 9	5	10
Interior Zone	Oct. 2-Nov. 11 &	5	10
	Nov. 23-Dec. 1	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Closed	--	--
Light Geese	Oct. 1-Jan. 15	8	24
Brant	Oct. 16-Nov. 14	2	4

	Season Dates	Limits Bag	Possession
Virginia			
Ducks	Oct. 9-Oct. 12 &	5	10
	Nov. 26-Nov. 30 &	5	10
	Dec. 9-Jan. 18	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Back Bay Area	Closed	--	--
Remainder of State	Closed	--	--
(special season)	Jan. 15-Feb. 8	3	6
Light Geese	Nov. 22-Nov. 30 &	8	24
	Dec. 2-Dec. 7 &	8	24
	Dec. 9-Mar. 10	8	24
Brant	Nov. 26-Nov. 30 &	2	4
	Dec. 25-Jan. 18	2	4
West Virginia			
Ducks:			
Zone 1	Oct. 1-Oct. 12 &	5	10
	Dec. 12-Jan. 18	5	10
Zone 2	Oct. 1-Oct. 12 &	5	10
	Nov. 21-Dec. 28	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
Zone 1	Oct. 1-Oct. 12 &	3	6
	Nov. 22-Jan. 18	3	6
Zone 2	Oct. 1-Nov. 2 &	3	6
	Dec. 13-Jan. 18	3	6
Light Geese:			
Zone 1	Same as for Canada geese	5	10
Zone 2	Same as for Canada geese	5	10
Brant	Dec. 20-Jan. 18	2	4

(1) In Connecticut, the shooting hours on October 19 are 7:00 a.m. to sunset.
(2) In Connecticut, the season is closed for black ducks October 19 through October 26.
(3) State permit required.
(4) In Maine, the season is closed for black ducks October 1 through October 10.
(5) In Maryland, the daily bag limit may include no more than 1 redhead; the black duck season is closed October 9 through October 12 and November 18 through November 24; and the canvasback season is open only December 23 through January 18.
(6) In Massachusetts, the season is closed for black ducks December 2 through December 11 in the Coastal Zone.
(7) In New Hampshire, the season is closed for black duck from October 3 through October 6.
(8) In New York, the season is closed for black ducks November 16 through November 28 in the Northeastern Zone, November 9 through November 17 in the Southeastern Zone, and October 21 through November 17 in the Western Zone.
(9) In North Carolina, the season is closed for black ducks October 3 through October 5 and November 25 through November 30.
(10) In Pennsylvania, the special season will only be held in the Western Hunt Unit.
(11) In South Carolina, the daily bag limit of 5 may not exceed 4 mallards and may not exceed 1 black duck, mottled duck, or female mallard in the aggregate.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 4 mallards (no more than 1 of which may be a female), 1 black duck, 1 pintail, 1 canvasback, 2 redheads, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Possession
Alabama			
Ducks:			
North Zone	Nov. 30-Dec. 24 &	5	10
	Dec. 26-Jan. 19	5	10
South Zone	Nov. 14-Nov. 24 &	5	10
	Dec. 12-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 15-Dec. 24 &	2	4
	Dec. 26-Jan. 19	2	4
Rest of North Zone	Oct. 5-Oct. 13 &	2	4
	Nov. 30-Dec. 24 &	2	4
	Dec. 26-Jan. 29	2	4
South Zone	Nov. 14-Nov. 24 &	2	4
	Dec. 12-Jan. 31	2	4
Light Geese	Same as for dark geese	5	5
Arkansas			
Ducks	Nov. 23-Dec. 8 &	5	10
	Dec. 14-Dec. 22 &	5	10
	Dec. 26-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (1):			
East Zone	Jan. 18-Feb. 9	2	4
West Zone	Jan. 25-Feb. 2 &	1	2
	Feb. 5-Feb. 9	1	2
White-fronted	Nov. 23-Jan. 31	2	4
Brant	Closed	--	--
Light Geese	Nov. 23-Mar. 9	10	30
Illinois			
Ducks:			
North Zone	Oct. 12-Nov. 30	5	10
Central Zone	Oct. 26-Dec. 14	5	10
South Zone	Nov. 9-Dec. 28	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Illinois (cont.)			
Geese:			
Canada (2):			
North Zone:			
Northern Illinois Quota Zone (2)	Oct. 12-Jan. 12	2	10
Rest of North Zone	Oct. 12-Jan. 12	2	10
Central Zone:			
Central Illinois Quota Zone (2)	Oct. 26-Jan. 26	2	10
Rest of Central Zone	Oct. 26-Jan. 26	2	10
South Zone:			
Southern Illinois Quota Zone (2)(3)	Nov. 9-Jan. 31	2	10
Rend Lake Quota Zone (2)(3)	Nov. 9-Jan. 31	2	10
Rest of South Zone	Nov. 9-Jan. 31	2	10
White-fronted and Brant			
North Zone	Oct. 12-Dec. 20	2	4
Central Zone	Oct. 26-Jan. 3	2	4
South Zone	Nov. 23-Jan. 31	2	4
Light Geese			
North Zone	Oct. 12-Jan. 12 &	10	30
	Feb. 25-Mar. 10	10	30
Central Zone	Oct. 26-Jan. 26 &	10	30
	Feb. 25-Mar. 10	10	30
South Zone	Nov. 9-Jan. 31 &	10	30
	Feb. 8-Mar. 2	10	30
Indiana			
Ducks:			
North Zone	Oct. 19-Dec. 7	5	10
South Zone	Oct. 26-Oct. 28 &	5	10
	Nov. 13-Dec. 29	5	10
Ohio River Zone	Nov. 24-Jan. 12	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
North Zone:			
SJBP Area	Oct. 19-Oct. 25 &	2	4
	Nov. 28-Dec. 25	2	4
Rest of North Zone	Oct. 19-Oct. 26 &	2	4
	Nov. 9-Jan. 4	2	4
South Zone:			
Posey County (2)	Nov. 28-Jan. 31	2	4
Rest of South Zone	Oct. 26-Nov. 3 &	2	4
	Nov. 28-Jan. 22	2	4
Ohio River Zone:			
Posey County (2)	Nov. 28-Jan. 31	2	4
Rest of Ohio River Zone	Nov. 28-Jan. 31	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Oct. 19-Feb. 2	10	30

	Season Dates	Limits Bag	Limits Possession
Iowa			
Ducks:			
North Zone	Sept. 21-Sept. 25 &	5	10
	Oct. 19-Dec. 2	5	10
South Zone	Sept. 21-Sept. 23 &	5	10
	Oct. 19-Dec. 4	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada Geese:			
North Zone	Sept. 28-Dec. 6	2	4
South Zone	Oct. 5-Oct. 13 &	2	4
	Oct. 19-Dec. 18	2	4
White-fronted:			
North Zone	Same as Canada geese	2	4
South Zone	Same as Canada geese	2	4
Brant:			
North Zone	Same as Canada geese	2	4
South Zone	Same as Canada geese	2	4
Light Geese	Oct. 12-Jan. 10 &	10	30
	Feb. 22-Mar. 9	10	30
Kentucky			
Ducks:			
West Zone	Nov. 28-Dec. 1 &	5	10
	Dec. 5-Jan. 19	5	10
East Zone	Nov. 28-Dec. 1 &	5	10
	Dec. 5-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
Western Goose Zone (2):			
Fulton County	Dec. 5-Feb. 15	2	4
Rest of Western Goose Zone	Dec. 5-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 16-Jan. 19	2	4
Rest of State	Dec. 13-Jan. 31	2	4
White-fronted	Nov. 28-Jan. 31	2	4
Brant	Nov. 28-Jan. 31	2	4
Light Geese:			
Western Goose Zone:			
Fulton County	Nov. 28-Mar. 10	10	30
Rest of Zone	Nov. 28-Jan. 31 &	10	30
	Feb. 15-Mar. 10	10	30
Rest of State	Nov. 28-Jan. 31	10	30

	Season Dates	Limits Bag	Limits Possession
Louisiana			
Ducks:			
West Zone	Nov. 9-Dec. 1 &	5	10
	Dec. 21-Jan. 16	5	10
East Zone:			
Catahoula Lake Area	Nov. 23-Dec. 5 &	5	10
	Dec. 14-Jan. 19	5	10
Rest of East Zone	Nov. 23-Dec. 5 &	5	10
	Dec. 14-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (4)	Jan. 21-Jan. 29	1	2
White-fronted (4) and Brant	Nov. 9-Dec. 8 &	2	4
	Dec. 21-Jan. 29	2	4
Light Geese	Nov. 9-Feb. 23	10	30
Michigan			
Ducks:			
North Zone	Sept. 28-Nov. 16	5	10
Middle Zone	Oct. 5-Nov. 23	5	10
South Zone	Oct. 12-Nov. 30	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
North Zone	Sept. 28-Oct. 17	2	4
Middle Zone	Oct. 5-Oct. 24	2	4
South Zone:			
Muskegon Wastewater Goose Management Unit (GMU) (2)	Oct. 19-Nov. 14 &	2	4
	Dec. 1-Dec. 22	2	4
Allegan County GMU (2)	Oct. 12 only &		
	Oct. 19-Dec. 7	1	2
Saginaw County GMU (2)	Oct. 12-Nov. 30	1	2
Tuscola/Huron GMU (2)	Oct. 12-Nov. 30	1	2
Southern Michigan GMU	Oct. 12-Oct. 25 &	1	2
	Nov. 28-Dec. 13	1	2
(special season)	Jan. 4-Feb. 2	2	4
Rest of South Zone	Oct. 12-Oct. 25 &	1	2
	Nov. 28-Dec. 13	1	2
White-fronted and Brant	See Footnote 5	2	4
Light Geese	See Footnote 5	10	30

	Season Dates	Limits Bag	Limits Possession
Minnesota			
Ducks (6)	Sept. 28-Nov. 16	5	10
Mergansers	Same as for ducks	5	10
Coots (7)	Same as for ducks	15	30
Geese:			
Canada (2):			
West Zone:			
West Central Zone:			
Lac qui Parle Zone (2)	Oct. 5-Oct. 13 &	1	2
	Oct. 17-Nov. 6	1	2
Rest of West Central Zone	Oct. 5-Oct. 13 &	1	2
	Oct. 17-Nov. 6	1	2
Rest of West Zone	Sept. 28-Nov. 6	1	2
Northwest Zone	Sept. 28-Nov. 6	1	2
Fergus Falls/Alexandria Zone:			
West Zone	Sept. 28-Nov. 6	1	2
(special season)	Dec. 14-Dec. 23	2	4
Rest of Fergus Falls/ Alexandria Zone	Sept. 28-Dec. 6	2	4
(special season)	Dec. 14-Dec. 23	2	4
Twin Cities Metro Zone and Olmsted County	Sept. 28-Dec. 6 &	2	4
	Dec. 14-Dec. 23	2	4
Rest of State	Sept. 28-Dec. 6	2	4
White-fronted and Brant:			
West Zone (8)	Sept. 28-Nov. 6	2	4
Northwest Zone	Sept. 28-Nov. 6	2	4
Rest of State	Sept. 28-Dec. 6	2	4
Light Geese (8)	Sept. 28-Dec. 16	7	14
Mississippi			
Ducks:			
Zone 1	Nov. 29-Dec. 8 &	5	10
	Dec. 11-Jan. 19	5	10
Zone 2	Nov. 30-Dec. 24 &	5	10
	Dec. 26-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada	Nov. 23-Jan. 31	3	6
White-fronted and Brant	Nov. 23-Jan. 31	2	4
Light Geese	Nov. 23-Mar. 9	10	30

	Season Dates	Limits Bag	Limits Possession
Missouri			
Ducks and Mergansers:			
North Zone	Oct. 26-Dec. 14	5	10
Middle Zone	Nov. 2-Dec. 21	5	10
South Zone	Nov. 23-Jan. 11	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2):			
North Zone:			
Swan Lake Zone (2)	Oct. 26-Nov. 3 &	2	4
	Nov. 29-Dec. 29	2	4
Rest of North Zone	Sept. 28-Oct. 6 &	2	4
	Oct. 26-Nov. 3 &	2	4
	Nov. 29-Jan. 19	2	4
Middle Zone:			
Schell-Osage Zone	Nov. 29-Jan. 7	2	4
Rest of Middle Zone	Nov. 2-Nov. 7 &	2	4
	Nov. 29-Jan. 31	2	4
South Zone	Nov. 23-Jan. 31	2	4
White-fronted and Brant:			
North Zone:			
Swan Lake Zone	Oct. 26-Nov. 3 &	2	4
	Nov. 29-Jan. 19	2	4
Rest of North Zone	Sept. 28-Oct. 6 &	2	4
	Oct. 26-Nov. 3 &	2	4
	Nov. 29-Jan. 19	2	4
Middle Zone	Nov. 2-Nov. 7 &	2	4
	Nov. 29-Jan. 31	2	4
South Zone	Nov. 23-Jan. 31	2	4
Light Geese:			
North Zone	Oct. 26-Jan. 19 &	10	30
	Feb. 17-Mar. 9	10	30
Middle Zone	Nov. 2-Nov. 7 &	10	30
	Nov. 29-Mar. 9	10	30
South Zone	Nov. 23-Mar. 9	10	30
Ohio			
Pymatuning Area:			
Ducks (9)	Oct. 12-Oct. 19 &	5	10
	Nov. 9-Dec. 20	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese	Oct. 12-Oct. 19 &	1	2
	Nov. 9-Dec. 5	1	2
Light Geese	Nov. 9-Dec. 11 &	8	24
	Dec. 28-Mar. 10	8	24
Brant	Nov. 2-Nov. 30	2	4

	Season Dates	Limits Bag	Limits Possession
Ohio (cont.)			
Rest of State:			
Ducks:			
North Zone	Oct. 19-Nov. 30 &	5	10
	Dec. 15-Dec. 21	5	10
South Zone	Oct. 19-Nov. 2 &	5	10
	Dec. 16-Jan. 19	5	10
Ohio River Zone	Oct. 19-Nov. 2 &	5	10
	Dec. 16-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada:			
North Zone:			
Lake Erie SJBP Zone	Nov. 16-Nov. 30 &	1	2
	Dec. 15-Dec. 29	1	2
Rest of North Zone	Oct. 19-Nov. 30 &	2	4
	Dec. 15-Jan. 10	2	4
South Zone	Oct. 19-Nov. 11 &	2	4
	Dec. 16-Jan. 30	2	4
Ohio River Zone	Oct. 19-Nov. 11 &	2	4
	Dec. 16-Jan. 30	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	10	30
Tennessee			
Ducks:			
Reelfoot Zone	Nov. 16-Nov. 17 &	5	10
	Dec. 3-Jan. 19	5	10
State Zone	Nov. 30-Dec. 24 &	5	10
	Dec. 26-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Geese:			
Canada (2)(10):			
Northwest Zone (2)	Nov. 30-Feb. 15	2	4
Southwest Zone	Nov. 30-Jan. 31	2	4
Kentucky/Barkley Lakes Zone (2)	Dec. 13-Jan. 31	2	4
Rest of State (10)	Oct. 5-Oct. 13 &	2	4
	Nov. 30-Jan. 29	2	4
White-fronted and Brant	Nov. 23-Jan. 31	2	4
Light Geese	Nov. 23-Mar. 8	10	30
Wisconsin			
Ducks:			
North Zone	Sept. 28-Nov. 16	5	10
South Zone	Sept. 28-Oct. 6 &	5	10
	Oct. 12-Nov. 21	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	5	10

	Season Dates	Limits Bag	Possession
Wisconsin (cont.)			
Geese:			
Canada (2):			
Horicon Zone	Sept. 21-Dec. 15	Tag System--See State Regulations	
Collins Zone	Sept. 21-Nov. 22 &	Tag System--See State Regulations	
	Dec. 2-Dec. 3	Tag System--See State Regulations	
Exterior Zone:			
Rock Prairie Subzone	Sept. 28-Oct. 6 &	1	2
	Oct. 12-Dec. 15	1	2
Mississippi River Subzone	Sept. 28-Oct. 6 &	1	2
	Oct. 12-Dec. 11	1	2
Rest of Exterior Zone:			
North Duck Zone	Sept. 28-Dec. 15	1	2
South Duck Zone	Sept. 28-Oct. 6 &	1	2
	Oct. 12-Dec. 20	1	2
White-fronted and Brant:			
Horicon Zone	Sept. 21-Nov. 29	2	4
Collins Zone	Sept. 21-Nov. 22 &	2	4
	Dec. 2-Dec. 3	2	4
Exterior Zone:			
Rock Prairie Subzone	Sept. 28-Oct. 6 &	2	4
	Oct. 12-Dec. 11	2	4
Mississippi River Subzone	Sept. 28-Oct. 6 &	2	4
	Oct. 12-Dec. 11	2	4
Rest of Exterior Zone			
North Duck Zone	Sept. 28-Dec. 6	2	4
South Duck Zone	Sept. 28-Oct. 6 &	2	4
	Oct. 12- Dec. 11	2	4
Light Geese:			
Horicon Zone	Sept. 21-Dec. 15	10	20
Collins Zone	Sept. 21-Nov. 22 &	10	20
	Dec. 2-Dec. 3	10	20
Exterior Zone:			
Rock Prairie Subzone	Sept. 28-Oct. 6 &	10	20
	Oct. 12-Dec. 15	10	20
Mississippi River Subzone	Sept. 28-Oct. 6 &	10	20
	Oct. 12-Dec. 11	10	20
Rest of Exterior Zone:			
North Duck Zone	Sept. 28-Dec. 15	10	20
South Duck Zone	Sept. 28-Oct. 6 &	10	20
	Oct. 12-Dec. 20	10	20

(1) In Arkansas, shooting hours for Canada geese are one-half hour before sunrise to noon.
(2) Harvests of Canada geese will be limited by quotas established in the September 26, 1996, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Swan Lake Zone in Missouri, the Northwest and Kentucky/Barkley Lakes Zones in Tennessee, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(3) In Illinois, shooting hours for geese in the Southern Illinois and Rend Lake Quota Zones through January 28 shall close at 3 p.m.
(4) In Louisiana, during the Canada goose season, the daily bag limit is 2 Canada and white-fronted geese in the aggregate, no more than 1 of which may be a Canada goose. The possession limit is twice the daily bag limit. A special permit is required by the State.
(5) In Michigan, the seasons for white-fronted geese, brant, and light geese are as follows: in the North and Middle Zones, and in the Saginaw County and Tuscola/Huron Goose Management Units (GMU) in the South Zone, the seasons open concurrently with the seasons for Canada geese and run continuously through the end of the duck season. In the Allegan County and Muskegon County Wastewater GMU's in the South Zone, the seasons open on October 19 and run continuously through the end of the Canada goose season in those GMU's, respectively, December 7 and December 22; in the remainder of the South Zone, the seasons open concurrently with the season for Canada geese and run continuously through December 13.
(6) In Minnesota, North Heron Lake, South Heron Lake, North Marsh, and Duck Lake in Jackson County are closed to the taking of canvasbacks.
(7) In Minnesota, the daily bag limit is 15 and the possession limit is 30, coots, moorhens, and gallinules in the aggregate.
(8) In Minnesota, in the Lac Qui Parle Zone, seasons for white-fronted geese, brant, and light geese are open only when the Canada goose season is open.
(9) In Ohio, in the Pymatuning Area, the restrictions of the duck bag limit for Pennsylvania apply.
(10) In Tennessee, see State regulations for permit requirements and additional restrictions.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 5 ducks may include no more than 1 female mallard, 1 mottled duck, 1 pintail, 2 redheads, 1 canvasback, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Possession
Colorado			
Ducks	Sept. 28-Oct. 14 &	5	10
	Nov. 2-Nov. 30 &	5	10
	Dec. 14-Jan. 19	5	10
Coots	Same as for ducks	15	30
Mergansers	Same as for ducks	5	10

	Season Dates	Limits Bag	Limits Possession
Colorado (cont.)			
Dark Geese:			
Northern Front Range Unit	Sept. 28-Oct. 13 &	4	8
	Nov. 2-Jan. 31	4	8
South Park/San Luis Valley Unit (1)	Sept. 28-Oct. 13 &	2	4
	Nov. 2-Jan. 31	2	4
North Park Unit (1)	Sept. 28-Oct. 13 &	2	4
	Nov. 2-Jan. 1	2	4
Arkansas Valley Unit (2)	Nov. 16-Jan. 31	4	8
Pueblo County	Dec. 14-Jan. 31	2	4
Rest of State in			
Central Flyway	Nov. 2-Jan. 31	4	8
Light Geese:			
Northern Front Range Unit	Nov. 2-Jan. 31	5	10
South Park/San Luis Valley Unit (2)	Nov. 2-Jan. 31	2	4
North Park Unit (1)	Nov. 2-Jan. 1	2	4
Arkansas Valley Unit	Nov. 16-Jan. 31	5	10
Pueblo County	Nov. 2-Jan. 31	5	10
Eastern Colorado Late			
Light Geese Unit	Nov. 2-Jan. 31 &	5	10
	Feb. 22-Mar. 9	5	10
Rest of State in			
Central Flyway	Nov. 2-Jan. 31	5	10
Kansas			
Ducks			
High Plains	Oct. 12-Dec. 1 &	5	10
	Dec. 7-Jan. 7	5	10
Low Plains:			
Early Zone	Oct. 12-Dec. 1 &	5	10
	Dec. 21-Dec. 29	5	10
Late Zone	Nov. 2-Dec. 15 &		
	Dec. 21-Jan. 5	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese (3):		2	4
Canada	Nov. 2-Jan. 26	2	4
White-fronted	Nov. 2-Jan. 26	1	2
Light Geese	Nov. 2-Jan. 3 &	10	40
	Jan. 25-Mar. 9	10	40
Montana			
Ducks and Mergansers:			
Zone 1	Sept. 28-Nov. 24 &	5	10
	Dec. 7-Dec. 31	5	10
Zone 2	Sept. 28-Oct. 20 &	5	10
	Nov. 2-Dec. 31	5	10
Coots	Same as for ducks	15	30
Geese:			
Dark Geese	Sept. 28-Jan. 12	4	8
Light Geese	Sept. 28-Jan. 12	5	10

	Season Dates	Limits Bag	Limits Possession
Nebraska (4)			
Ducks and Mergansers:			
High Plains	Oct. 5-Dec. 1 &	5	10
	Dec. 7-Dec. 8 &	5	10
	Dec. 14-Jan. 5	5	10
Low Plains:			
Zones 1 and 2	Oct. 19-Oct. 20 &	5	10
	Oct. 26-Dec. 22	5	10
Zones 3 and 4	Sept. 28-Sept. 29 &	5	10
	Oct. 12-Dec. 8	5	10
Coots	Same as for ducks	15	30
Dark Geese:		2	4
North Unit:			
Canada	Oct. 26-Jan. 19	2	4
White-fronted	Oct. 26-Jan. 19	1	2
East Unit:			
Canada	Sept. 28-Sept. 29 &	2	4
	Oct. 5-Dec. 27	2	4
White-fronted	Sept. 28-Sept. 29 &	1	2
	Oct. 5-Dec. 27	1	2
West Unit:			
Canada	Oct. 19-Jan. 12	2	4
White-fronted	Oct. 19-Jan. 12	1	2
Light Geese:			
Rainwater Basin Area	Oct. 5-Dec. 13 &	10	40
	Feb. 1-Feb. 16	10	40
Rest of State	Oct. 5-Dec. 13 &	10	40
	Feb. 2-Mar. 10	10	40
New Mexico			
Ducks and Mergansers:			
North Zone	Oct. 19-Nov. 8 &	5	10
	Nov. 19-Jan. 19	5	10
South Zone	Oct. 29-Jan. 19	5	10
Coots	Same as for ducks	15	30
Dark Geese (5):			
Middle Rio Grande Valley Unit	Dec. 28-Jan. 5	1	1
Rest of State	Oct. 17-Jan. 31	4	8
Light Geese	Nov. 9-Feb. 23	10	40
North Dakota			
Ducks			
Statewide	Sept. 28-Nov. 24 &	5	10
	Nov. 30-Dec. 1	5	10
High Plains	Dec. 7-Dec. 29	5	10
Mergansers	Same as for ducks	5	10

	Season Dates	Limits Bag	Limits Possession
North Dakota (cont.)			
Coots	Same as for ducks	15	30
Dark Geese (6):		2	4
Statewide:			
Canada	Sept. 28-Nov. 17	2	4
White-fronted	Sept. 28-Nov. 17	2	4
Missouri River Zone	Nov. 18-Dec. 22	2	4
Light Geese (6)	Sept. 28-Dec. 22	10	40
Oklahoma			
Ducks:			
High Plains	Oct. 12-Jan. 2	5	10
Low Plains:			
Zone 1	Oct. 26-Dec. 1 &	5	10
	Dec. 14-Jan. 5	5	10
Zone 2	Nov. 2-Dec. 1 &	5	10
	Dec. 14-Jan. 12	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese:		2	4
Canada	Nov. 2-Jan. 26	2	4
White-fronted	Nov. 2-Jan. 26	1	2
Light Geese	Nov. 23-Mar. 9	10	40
South Dakota			
Ducks and Mergansers:			
High Plains	Oct. 5-Dec. 3 &	5	10
	Dec. 7-Dec. 29	5	10
Low Plains:			
North Zone	Sept. 28-Nov. 26	5	10
Middle Zone	Oct. 5-Dec. 3	5	10
South Zone	Oct. 12-Dec. 10	5	10
Coots	Same as for ducks	15	30
Dark Geese:		2	4
Canada:			
Unit 1	Sept 28-Dec. 22	2	4
Unit 2	Oct. 12-Jan. 5	2	4
Unit 3	Oct. 19-Jan. 12	2	4
White-fronted	Sept. 28-Dec. 22	1	2
Light Geese	Sept. 28-Dec. 22	10	20
Texas			
Ducks:			
High Plains	Oct. 26-Oct. 29 &	5	10
	Nov. 2-Jan. 19	5	10
Low Plains	Nov. 16-Dec. 1 &	5	10
	Dec. 7-Jan. 19	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Texas (cont.)			
Geese:			
East Tier:			
Dark Geese:			
Canada	Nov. 2-Jan. 19 &	1	2
	Jan. 20-Jan. 26	2	4
White-fronted	Nov. 2-Jan. 26	1	2
Light Geese	Nov. 2-Feb. 16	10	40
West Tier:			
Dark Geese		5	10
Canada	Nov. 2-Feb. 16	4	8
White-fronted	Nov. 2-Feb. 16	1	2
Light Geese	Nov. 2-Feb. 16	10	40
Wyoming			
Ducks			
Zone 1	Oct. 5-Oct. 20 &	5	10
	Nov. 2-Dec. 15 &	5	10
	Dec. 21-Jan. 12	5	10
Zone 2	Sept. 28-Oct. 27 &	5	10
	Nov. 2- Dec. 1 &	5	10
	Dec. 14-Jan. 5	5	10
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Dark Geese:			
Area 1	Oct. 5-Jan. 19	4	8
Area 2 (7)	Oct. 19-Jan. 31	4	8
Area 3	Sept. 28-Jan. 12	4	8
Area 4 (7)	Nov. 16-Jan. 31	4	8
Light Geese	Oct. 5-Dec. 19 &	10	40
	Feb. 8-Mar. 10	10	40

(1) In Colorado, in the North Park and South Park/San Luis Valley Units, the bag limit for the November 2 through January 1 and November 2 through January 31 periods, respectively, are 2 geese. The possession limit is twice the daily bag limit.

(2) In Colorado, in the Arkansas Valley Unit, shooting hours are one-half hour before sunrise to noon November 16 through November 29.

(3) In Kansas, exceptions to the dark goose season are as follows: (a) Marais des Cygnes Valley Unit, South Flint Hills Unit, Central Flint Hills Unit, and Southeast Unit - season dates are December 14, 1996, through January 12, 1997. Dark goose permits issued by the Kansas Department of Wildlife and Parks are required. Unlimited permits are available in all four units with a maximum of one permit per individual per unit. In the Marais des Cygnes Valley, 6 geese permit are allowed. In the South Flint Hills and Central Flint Hills Units, 8 geese per permit are allowed. In the Southeast Unit, 4 geese per permit are allowed. Shooting hours in the Marais des Cygnes Unit shall be one-half hour before sunrise to 1:00 p.m. Shooting hours in all other units shall be one-half hour before sunrise to sunset.

(4) In Nebraska, see State regulations for additional information on daily bag limits.

(5) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, Sorocco, and Valencia Counties.

(6) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through October 28 and until 2 p.m. the remainder of the season.
(7) In Wyoming, the shooting hours for geese in Goshen County are one-half hour before sunrise to 1 p.m., except on January 4-5, 11-12, 18-19, and 25-26 when shooting hours are until sunset. In Platte County, shooting hours for geese in the area east of Interstate Highway 25 and north of Wyoming Highway 160 are 1/2 hour before sunrise to sunset. In the remainder of Platte County, shooting hours for geese are 1/2 hour before sunrise to 1 p.m. except on January 4-5, 11-12, 18-19, and 25-26, when shooting hours are until sunset.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 1 female mallard, 2 pintails, 2 redheads and 1 canvasback. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

Aleutian Canada Geese: The season is closed throughout the Flyway.

	Season Dates	Limits	
		Bag	Possession
Arizona			
Ducks (1):			
North Zone	Oct. 11-Jan. 11	7	14
South Zone	Oct. 11-Oct. 20 &	7	14
	Oct. 29-Jan. 19	7	14
Coots and moorhens	Same as for ducks	25	25
Geese:		5	5
Dark (2):			
GMU 22 & 23	Nov. 15-Jan. 19	2	2
Balance of State	Oct. 18-Jan. 19	2	2
Light (2):			
GMU 22 & 23	Same as dark geese	3	3
Rest of State	Same as dark geese	3	3
California			
Ducks:			
Northeastern Zone	Oct. 5-Jan. 5	7	14
Colorado River Zone	Oct. 11-Oct. 20 &	7	14
	Oct. 29-Jan. 19	7	14
Southern Zone	Oct. 19-Jan. 19	7	14
Southern San Joaquin Valley Zone	Oct. 19-Jan. 19	7	14
Balance-of-State Zone	Oct. 19-Jan. 19	7	14
Coots and moorhens:			
Northeastern Zone	Same as for ducks	25	25
Colorado River Zone	Same as for ducks	25	25
Southern Zone	Same as for ducks	25	25
Southern San Joaquin Valley Zone	Same as for ducks	25	25
Balance-of-State Zone	Same as for ducks	25	25
California (cont.)			
Geese:			
Northeastern Zone:		3	6
Canada Geese	Oct. 5-Jan. 5	2	4
Cackling Geese	Oct. 5-Oct. 27	1	2
White-fronted Geese	Oct. 5-Oct. 27	2	4
Light Geese	Oct. 5-Jan. 5	3	6
Colorado River Zone:		5	10
Canada Geese	Oct. 18-Jan. 19	2	4
White-fronted Geese	Oct. 18-Jan. 19	2	4
Light Geese	Oct. 18-Jan. 19	3	6
Southern Zone:		5	8
Dark Geese:		2	2
Canada	Oct. 19-Jan. 19	2	2
Cackling Geese	Oct. 19-Jan. 19	1	2
White-fronted Geese	Oct. 19-Jan. 19	2	2
Light Geese	Oct. 19-Jan. 19	3	6
Balance-of-State Zone:		3	3
Dark Geese (3):		2	2
Canada:			
Del Norte & Humboldt	Closed	--	--
Sacramento Valley Area	Closed	--	--
San Joaquin Valley Area	Nov. 2-Nov. 22	2	2
Rest of Zone	Nov. 2-Jan. 19	2	2
White-fronted:			
Sacramento Valley Closure	Nov. 2-Dec. 14	1	1
Rest of Zone	Nov. 2-Jan. 5	1	1
Light Geese	Nov. 2-Jan. 19	3	3
Brant	Nov. 1-Nov. 30	2	4
Colorado			
Ducks	Sept. 28-Oct. 13 &	7	14
	Oct. 26-Nov. 27 &	7	14
	Dec. 7-Jan. 19	7	14
Coots	Same as for ducks	25	25
Geese:			
West Central Colorado Unit	Oct. 26-Jan. 17	2	4
Gunnison/Saguache Area (4)	Oct. 26-Jan. 17	1 per season	
Rest of State	Sept. 28-Oct. 13 &	2	4
	Oct. 26-Jan. 17	2	4
Idaho			
Ducks:			
Zone 1	Oct. 5-Jan. 5	7	14
Zone 2	Oct. 5-Jan. 5	7	14
Zone 3	Oct. 5-Oct. 13 &	7	14
	Oct. 26-Jan. 17	7	14
Coots	Same as for ducks	25	25

	Season Dates	Limits Bag	Possession
Idaho (cont.)			
Geese:			
Zone 1:		4	8
Dark	Sept. 28-Jan. 5	4	8
Light	Sept. 28-Jan. 5	3	6
Zone 2:		3	6
Dark	Sept. 28-Jan. 5	3	6
Light	Sept. 28-Jan. 5	3	6
Zone 3:		3	6
Dark	Sept. 28-Jan. 5	2	4
Light	Sept. 28-Jan. 5	3	6
Zone 4 (5)	Sept. 28-Jan. 5	4	8
Zone 5	Oct. 5-Jan. 12	4	8
Montana			
Ducks	Sept. 28-Dec. 29	7	14
Coots	Same as for ducks	25	25
Geese (6):			
Dark	Sept. 28-Jan. 5	4	8
Light	Sept. 28-Jan. 5	3	6
Nevada			
Ducks:			
Lincoln & Clark Counties	Nov. 2-Jan. 19	7	14
Rest of State	Oct. 12-Jan. 12	7	14
Coots and moorhens	Same as for ducks	25	25
Dark Geese:			
Lincoln & Clark Counties	Nov. 16-Jan. 19	2	4
Rest of State	Oct. 19-Jan. 19	3	6
Light Geese:			
Lincoln & Clark Counties	Nov. 16-Jan. 19	3	6
Rest of State (7)	Oct. 19-Jan. 19	3	6
New Mexico			
Ducks	Oct. 12-Oct. 27 &	7	14
	Nov. 4-Jan. 19	7	14
Coots	Same as for ducks	15	30
Moorhens (8)	Same as for ducks	1	2
Geese:			
North Zone:			
Dark	Sept. 28-Oct. 29 &	2	4
	Dec. 21-Jan. 19	2	4
Light	Sept. 28-Oct. 29 &	1	2
	Dec. 21-Jan. 19	1	2
South Zone:			
Dark	Oct. 26-Jan. 19	2	4
Light	Oct. 26-Jan. 19	1	2

	Season Dates	Limits Bag	Possession
Oregon			
Ducks:			
Zone 1:			
Columbia Basin Unit	Oct. 12-Jan. 19	7	14
Rest of Zone 1	Oct. 12-Jan. 12	7	14
Zone 2	Oct. 5-Jan. 5	7	14
Coots	Same as for ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Oct. 12-Jan. 12	4	8
Light Geese	Oct. 12-Jan. 12	3	6
Northwest Special Permit Zone (9):			
Dark Geese	Dec. 2-Mar. 1	3	6
Dusky Canada geese		1 per season	
Cackling Canada geese		2	4
Light Geese	Dec. 2-Mar. 1	3	6
Southwest General Zone (10):			
Dark Geese	Oct. 12-Jan. 19	4	8
Light Geese	Oct. 12-Jan. 19	3	6
Eastern Zone:			
Klamath, Harney, Lake and Malheur Counties:			
Dark Geese	Oct. 5-Jan. 12	4	8
Cackling Canada geese		1	2
White-fronted geese		2	4
Light Geese	Oct. 5-Jan. 12	3	6
Remainder of Eastern Zone:			
Dark Geese	Oct. 12-Jan. 19	4	8
Cackling Canada geese		1	2
White-fronted geese		2	4
Light Geese	Oct. 12-Jan. 19	3	6
Brant (4)	Dec. 28-Jan. 12	2	4
Utah (11)			
Ducks:			
Zone 1	Oct. 5-Jan. 5	7	14
Zone 2	Oct. 12-Jan. 12	7	14
Coots	Same as for ducks	25	25
Geese:		5	6
Light	Oct. 5-Jan. 12	3	6
Dark:			
Washington County (12)	Oct. 12-Jan. 19	2	4
Rest of State	Oct. 5-Jan. 12	2	4
Washington			
Ducks:			
East Zone	Oct. 12-Jan. 19	7	14
West Zone	Oct. 12-Jan. 12	7	14
Coots	Same as for ducks	25	25
Geese (13):			
Eastern Management Areas 1 and 2 (14)	Oct. 12-Jan. 19	4	8

	Season Dates	Limits Bag	Possession
Washington (cont.)			
Western Management Area 1	Oct. 12-Dec. 29	3	6
Western Management Area 2 (15)	Nov. 23-Jan. 18 & Feb. 5-Mar. 10		
North of Kalama River (15)		4	8
Dusky Canada geese		1	1
Cackling Canada geese		2	4
South of Kalama River (15)		4	8
Dusky Canada geese		1	1
Cackling Canada geese		2	4
Western Management Area 3	Oct. 12-Jan. 19	4	8
Brant (16)	Dec. 7-Dec. 22	2	4
Wyoming			
Ducks	Sept. 28-Dec. 29	7	14
Coots	Same as for ducks	25	25
Dark Geese	Sept. 28-Jan. 5	4	8

(1) In Arizona, the daily limit may include no more than either 1 female mallard or 1 Mexican-like duck, but not both; and not more than 2 female mallards, 2 Mexican-like ducks, or 1 of each, may be in possession.
(2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limit is 2 and 4 for Canada geese and 3 and 6 for light geese, respectively.
(3) In California, the dark goose limits may be expanded to 2 per day and 4 in possession provided they are Canada geese other than cackling geese for which the daily limit is 1. Aleutian geese may not be taken.
(4) State permit is required.
(5) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(6) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(7) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
(8) In New Mexico, the bag limit is 1 common moorhen daily and 2 in possession; there is no open season on the purple gallinule.
(9) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(10) In Oregon, that portion of Coos, Curry, and Douglas Counties west of US 101 is closed to all Canada goose hunting.
(11) In Utah, the shooting hours are 8:00 a.m. to sunset on October 5 (Zone 1) and November 2.
(12) In Utah, the Washington County season is for Canada geese only.
(13) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
(14) In Washington, in State Goose Area 1, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Area 2, hunting is everyday. See State regulations for details, including shooting hours.
(15) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(16) In Washington, brant may be hunted in Skagit and Pacific Counties only; and only on December 7, 8, 9, 11, 13, 14, 15, 17, 19, 21, and 22.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 29, 1996, Federal Register (60 FR 45020).

Note: The following seasons are in addition to the seasons published previously in the August 30, 1996, Federal Register (61 FR 46357).

	Season Dates	Limits Bag	Possession
CENTRAL FLYWAY			
* * * * *			
Oklahoma	Oct. 26-Jan. 26	3	6
Texas (1)			
Zone A	Nov. 9-Feb. 9	3	6
Zone B	Nov. 30-Feb. 9	3	6
Zone C	Jan. 4-Feb. 9	3	6
* * * * *			

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

* * * * *

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
North Carolina	Nov. 4-Jan. 31	1 tundra swan per season	
Virginia	Dec. 3-Jan. 31	1 tundra swan per season	
CENTRAL FLYWAY (1)			
Montana	Sept. 28-Dec. 29	1 tundra swan per season	
North Dakota	Sept. 28-Nov. 24	1 tundra swan per season	
South Dakota	Sept. 28-Nov. 30	1 tundra swan per season	
PACIFIC FLYWAY (1)(2)			
Montana	Oct. 12-Dec. 1	1 swan per season	
Nevada (3) (4)	Oct. 19-Jan. 5	1 swan per season	
Utah (3)	Oct. 5-Dec. 1	1 swan per season	

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) Harvests of trumpeter swans will be limited by quotas established in the September 26, 1996, Federal Register. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(4) All harvested swans and tags must be checked at the Nevada Division of Wildlife within 5 days of harvest.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 29 and September 26 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 1996, Federal Register (61 FR 46357)

	Extended Falconry Dates
ATLANTIC FLYWAY	
Florida	
Ducks and coots	Nov. 1-Nov. 13 & Jan. 21-Feb. 28
Georgia	
Sea Ducks	Nov. 15-Nov. 27 & Jan. 21-Feb. 28
Ducks, mergansers, gallinules, and coots	Nov. 15-Nov. 27 & Dec. 2-Dec. 6 & Jan. 21-Feb. 28
Maine	
Ducks, mergansers, and coots:	
North Zone	Nov. 29-Jan. 15
South Zone	Jan. 2-Jan. 18 & Jan. 20-Feb. 15 & Feb. 17-Mar. 1

	Extended Falconry Dates
Maryland	
Ducks	Oct. 13-Oct. 17 & Jan. 19-Mar. 10
Canada Geese	Closed
Brant	Jan. 19-Mar. 10
Massachusetts	
Ducks, mergansers, and coots:	
Berkshire Zone	Oct. 7-Oct. 14 & Dec. 4-Jan. 20
Central Zone	Oct. 7-Oct. 17 & Oct. 27-Nov. 10 & Dec. 22-Jan. 20
Coastal Zone	Oct. 7-Oct. 22 & Nov. 3-Nov. 26 & Jan. 5-Jan. 20
New Hampshire	
Ducks, mergansers, and coots:	
Inland Zone	Nov. 4-Nov. 22 & Dec. 10-Jan. 16
Coastal Zone	Jan. 14-Mar. 10
New Jersey	
Woodcock:	
North Zone	Oct. 1-Oct. 11 & Nov. 16-Jan. 15
South Zone	Oct. 1-Nov. 3 & Dec. 1-Dec. 20 & Dec. 29-Jan. 15

	Extended Falconry Dates
New Jersey (cont.)	
Ducks:	
North Zone	Oct. 1-Oct. 11 & Oct. 27-Nov. 27 & Jan. 2-Jan. 15
South Zone	Oct. 1-Oct. 18 & Nov. 3-Nov. 27 & Jan. 2-Jan. 15
Coastal Zone	Oct. 1-Oct. 31 & Dec. 1-Dec. 15 & Jan. 5-Jan. 15
New York	
Ducks and coots:	
Long Island Zone	Nov. 1-Nov. 26 & Dec. 2-Dec. 6 & Jan. 21-Jan. 31
Northeastern Zone	Oct. 1-Oct. 4 & Oct. 21-Oct. 25 & Nov. 29-Dec. 31
Southeastern Zone	Oct. 1-Oct. 11 & Oct. 21-Nov. 8 & Dec. 20-Dec. 31
Western Zone	Oct. 1-Oct. 11 & Nov. 18-Dec. 20
Pennsylvania	
Ducks:	
North Zone	Oct. 28-Nov. 1 & Dec. 7-Jan. 25
South Zone	Oct. 28-Nov. 27 & Jan. 2-Jan. 24
Northwest Zone	Oct. 21-Nov. 8 & Dec. 21-Jan. 25
Lake Erie Zone	Dec. 16-Dec. 18 & Dec. 30-Feb. 20

	Extended Falconry Dates
Pennsylvania (cont.)	
Canada Geese:	
North Zone	Closed
South Zone	Closed
Erie, Mercer, and Butler	Oct. 21-Nov. 1
Crawford	Oct. 21-Nov. 8 & Dec. 6-Jan. 2
Brant	Dec. 2-Feb. 17
South Carolina	
Ducks, mergansers, and coots	Oct. 6-Nov. 26 & Dec. 1-Dec. 5
Virginia	
Ducks, mergansers, coots, moorhens, and gallinules	Nov. 21-Nov. 25 & Dec. 1-Dec. 8 & Jan. 19-Mar. 2
Canada Geese	Closed
Brant	Dec. 2-Dec. 7 & Dec. 9-Dec. 24 & Jan. 19-Mar. 10
MISSISSIPPI FLYWAY	
Arkansas	
Mourning doves	Nov. 1-Nov. 22 & Jan. 23-Feb. 16
Ducks, mergansers, and coots	Nov. 15-Nov. 22 & Dec. 24-Dec. 25 & Jan. 20-Feb. 25

	Extended Falconry Dates
Illinois	
Ducks, mergansers, and coots:	
North Zone	Oct. 6-Oct. 11 & Dec. 1-Dec. 3 & Feb. 1-Mar. 10
Central Zone	Oct. 20-Oct. 25 & Dec. 15-Dec. 17 & Feb. 1-Mar. 10
South Zone	Nov. 3-Nov. 8 & Dec. 29-Dec. 31 & Feb. 1-Mar. 10
Indiana	
Ducks, mergansers, and coots:	
North Zone	Sept. 22-Oct. 15 & Dec. 8-Dec. 28
South Zone	Oct. 5-Oct. 25 & Nov. 2-Nov. 12 & Dec. 30-Jan. 14
Ohio River Zone	Oct. 16-Nov. 23 & Jan. 13-Jan. 21
Iowa	
Ducks, mergansers, and coots:	
Statewide	Dec. 15-Feb. 8
Dark Geese:	
North Zone	Dec. 7-Jan. 10
South Zone	Oct. 14-Oct. 18 & Dec. 19-Jan. 19

	Extended Falconry Dates
Kentucky	
Ducks, mergansers, and coots:	
Statewide	Nov. 5-Nov. 27 & Dec. 2-Dec. 4 & Jan. 20-Jan. 31
Canada Geese:	
Western Goose Zone	Nov. 5-Dec. 4
Pennyroyal/Coalfield Zone	Nov. 5-Dec. 15 & Jan. 20-Jan. 31
Rest of State	Nov. 5-Dec. 12
White-fronted geese, brant, and light geese:	
Western Goose Zone	Nov. 24-Nov. 27
Rest of State	Nov. 5-Nov. 27
Michigan	
Ducks, mergansers, coots, and moorhens:	
North Zone	Sept. 7-Sept. 27 & Nov. 17-Dec. 12 & Mar. 1-Mar. 10
Middle Zone	Sept. 7-Oct. 4 & Nov. 24-Dec. 12 & Mar. 1-Mar. 10
South Zone	Sept. 7-Oct. 11 & Dec. 1-Dec. 12 & Mar. 1-Mar. 10

	Extended Falconry Dates
Minnesota	
Ducks, mergansers, coots, and moorhens	Sept. 1-Sept. 27 & Nov. 17-Dec. 16
Canada Geese:	
West Zone:	
West Central Zone	Sept. 28-Oct. 4 & Oct. 14-Oct. 16 & Nov. 7-Dec. 16
Rest of West Zone	Nov. 7-Dec. 16
Northwest Zone	Nov. 7-Dec. 16
Fergus Falls/Alexandria Zone:	
West Zone	Nov. 7-Dec. 13
Rest of Fergus Falls/Alexandria Zone	Dec. 7-Dec. 13
Twin Cities Metro Zone and Olmsted County	Dec. 7-Dec. 13
Rest of State	Dec. 7-Dec. 16
White-fronted Geese and Brant:	
West Zone	Nov. 7-Dec. 16
Northwest Zone	Nov. 7-Dec. 16
Rest of State	Dec. 7-Dec. 16
Mississippi	
Mourning doves	Dec. 10-Dec. 20 & Jan. 12-Feb. 16
Ducks, mergansers, and coots	Nov. 23-Nov. 28 & Jan. 28-Mar. 9

	Extended Falconry Dates
Missouri	
Ducks, mergansers, and coots:	
North Zone	Sept. 7-Sept. 15 & Oct. 6-Oct. 25 & Dec. 15-Jan. 11
Middle Zone	Sept. 7-Sept. 15 & Oct. 6-Nov. 1 & Dec. 22-Jan. 11
South Zone	Sept. 7-Sept. 15 & Oct. 6-Nov. 22
Ohio	
Ducks, mergansers, and coots:	
Pymatuning Area	Oct. 21-Nov. 8 & Dec. 21-Jan. 25
Rest of State:	
North Zone	Dec. 22-Jan. 30
South Zone	Nov. 3-Nov. 30 & Dec. 15 only & Jan. 20-Jan. 30
Ohio River Zone	Nov. 3-Nov. 30 & Dec. 15 only & Jan. 20-Jan. 30
Tennessee	
Ducks, mergansers, and coots:	
Reelfoot Zone	Sept. 19-Nov. 9
State Zone	Sept. 19-Nov. 9

	Extended Falconry Dates
Wisconsin	
Rails, snipe, moorhens, and gallinules:	
North Zone	Sept. 1-Sept. 27 & Nov. 17-Dec. 16
South Zone	Sept. 1-Sept. 27 & Oct. 7-Oct. 11 & Nov. 22-Dec. 16
Woodcock	Sept. 1-Sept. 13 & Nov. 18-Dec. 16
Ducks, mergansers, and coots:	
North Zone	Sept. 14-Sept. 27 & Nov. 17-Dec. 10 & Feb. 20-Mar. 10
South Zone	Sept. 14-Sept. 27 & Oct. 7-Oct. 11 & Nov. 22-Dec. 10 & Feb. 20-Mar. 10
CENTRAL FLYWAY	
Colorado	
Ducks, mergansers, and coots	Sept. 16-Sept. 20 & Mar. 1-Mar. 9
Kansas	
Ducks, mergansers, and coots	
High Plains	Feb. 24-Mar. 9
Low Plains:	
Early Zone	Sept. 27-Oct. 11 & Feb. 15-Mar. 9
Late Zone	Oct. 18-Nov. 1 & Feb. 15-Mar. 9

	Extended Falconry Dates
Montana (4)	
Ducks, mergansers, and coots:	
Zone 1	Sept. 14-Sept. 27 & Nov. 25-Dec. 6
Zone 2	Sept. 14-Sept. 27 & Oct. 21-Nov. 1
Nebraska (5)	
Ducks, mergansers, and coots:	
High Plains	Sept. 28-Oct. 4 & Dec. 2-Dec. 6 & Dec. 9-Dec. 13 & Jan. 6-Jan. 11
Low Plains:	
Zones 1 and 2	Sept. 28-Oct. 18 & Oct. 21-Oct. 25 & Dec. 23-Jan. 11
Zones 3 & 4	Sept. 30-Oct. 11 & Dec. 9-Jan. 11
New Mexico (4)	
Ducks, coots, moorhens, snipe, sora and Virginia rail:	
North Zone	Oct. 14-Oct. 18 & Nov. 9-Nov. 18
South Zone	Jan. 20-Feb. 3
* * * * *	
Oklahoma	
Ducks, mergansers, and coots:	
High Plains	Sept. 23-Sept. 30 & Oct. 6-Oct. 11
Low Plains:	
Zone 1	Dec. 2-Dec. 6 & Dec. 8-Dec. 13 & Jan. 6-Jan. 31
Zone 2	Dec. 2-Dec. 6 & Dec. 8-Dec. 13 & Jan. 13-Feb. 7
South Dakota	
Ducks, mergansers, and coots:	
Low Plains:	
North Zone	Sept. 4-Sept. 27 & Nov. 27-Dec. 19
Middle Zone	Sept. 4-Oct. 4 & Dec. 4-Dec. 19
South Zone	Sept. 4-Oct. 11 & Dec. 11-Dec. 19
High Plains	Sept. 4-Sept. 27
Texas	
Ducks, mergansers, and coots:	
High Plains	Jan. 20-Feb. 3
Low Plains	Jan. 20-Feb. 26
Woodcock	Nov. 25-Nov. 27 & Feb. 1-Mar. 10
Wyoming	
Ducks, mergansers, and coots	
Zone 1	Sept. 21-Oct. 4 & Oct. 23-Nov. 1
Zone 2	Sept. 21-Oct. 4 & Oct. 28-Nov. 1
PACIFIC FLYWAY	
Arizona	
Ducks and mergansers:	
North Zone	Sept. 21-Oct. 3
South Zone	Feb. 1-Feb. 13

	Extended Falconry Dates
California	
Ducks, mergansers, and coots:	
Northeastern Zone	Sept. 28 only & Jan. 6-Jan. 18
Colorado River Zone	Jan. 20-Feb. 2
Southern Zone	Oct. 12 only & Jan. 20-Feb. 1
Balance-of-State Zone	Oct. 12 only & Jan. 20-Feb. 1
Southern San Joaquin Zone	Oct. 12 only & Jan. 20-Feb. 1
Canada Geese:	
Northeastern Zone	Sept. 28 only & Jan. 6-Jan. 18
Southern Zone	Oct. 12 only & Jan. 20-Feb. 1
Balance-of-State Zone (6)	Oct 12 only & Jan. 20-Feb. 1
Southern San Joaquin Zone	Oct. 12 only & Jan. 20-Feb. 1
White-fronted Geese:	
Northeastern Zone	Sept. 28 only & Oct. 28-Jan. 18
Southern Zone	Oct. 12 only & Jan. 20-Feb. 1
Balance-of-State Zone	Oct. 12 only & Oct. 19-Nov. 1 & Jan. 6-Feb. 1
Southern San Joaquin Zone	Oct. 12 only & Oct. 19-Nov. 1 & Jan. 6-Feb. 1

	Extended Falconry Dates
California (cont.)	
Brant:	
Northeastern Zone	Sept. 28 only & Oct. 5-Oct. 31 & Dec. 1-Jan. 18
Southern Zone	Oct. 12 only & Oct. 19-Oct. 31 & Dec. 1-Feb. 1
Balance-of-State Zone	Oct. 12 only & Oct. 19-Oct. 31 & Dec. 1-Feb. 1
Southern San Joaquin Zone	Oct. 12 only & Oct. 19-Oct. 31 & Dec. 1-Feb. 1
Light Geese:	
Northeastern Zone	Sept. 28 only & Jan. 6-Jan. 18
Southern Zone	Oct. 12 only & Jan. 20-Feb. 1
Balance-of-State Zone (6)	Oct 12 only & Jan. 20-Feb. 1
Southern San Joaquin Zone	Oct. 12 only & Jan. 20-Feb. 1
Colorado	
Ducks, mergansers, and coots	Feb. 25-Mar. 9
Idaho	
Ducks, mergansers, and coots: Areas 1 and 2	Sept. 13-Sept. 18 & Sept. 28 only & Mar. 4-Mar. 10

	Extended Falconry Dates
Montana (4)	
Ducks and coots	Feb. 25-Mar. 10
Geese	Jan. 6-Jan. 12
Nevada (7)	
Ducks, mergansers, coots, geese moorhens, and snipe:	
Lincoln & Clark Counties	Jan. 20-Feb. 14
Rest of State	Jan. 13-Jan. 24
New Mexico (4)	
Ducks, coots, moorhens, snipe, sora and Virginia rail	Jan. 20-Feb. 2
Geese:	
North Zone	Nov. 13-Dec. 20 & Jan. 20-Jan. 26
South Zone	Oct. 12-Oct. 25 & Jan. 20-Jan. 26
Oregon	
Ducks, mergansers, and coots:	
Zone 1:	
Columbia Basin	Jan. 20-Jan. 26
Rest of Zone 1	Jan. 13-Jan. 26
Zone 2	Oct. 1-Oct. 4
Snipe:	
Zone 1	Oct. 5-Oct. 11
Zone 2	Jan. 6-Jan. 19
Utah	
Ducks, mergansers, and coots:	
Zone 1	Sept. 28-Sept. 29 & Jan. 11-Jan. 22
Zone 2	Jan. 25-Feb. 7
Light Geese	Jan. 13-Jan. 19
Dark Geese:	
Washington County	Oct. 5-Oct. 11
Rest	Jan. 13-Jan. 19
Snipe	Jan. 13-Jan. 19
Washington	
Ducks, mergansers and coots:	
West Zone	Jan. 24-Feb. 5
East Zone	Mar. 4-Mar. 10
Geese (8)	Jan. 20-Jan. 26
Snipe	Oct. 5-Oct. 11
Wyoming	
Ducks, mergansers, and coots	Sept. 21-Oct. 4

* * * * *

(4) The daily bag limit is 2 and the possession limit is 6.
(5) In Nebraska, the bag limit is 3, see State regulations for additional information on daily bag limits.
(6) In California, the falconry season for Canada geese is closed in Del Norte and Humbolt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.
(7) In Nevada, the bag limit is 2 and the possession limit is 4.
(8) In Washington, the extended falconry season on geese is Statewide, except for Western Goose Management Area 2 for which there is no extended season.

[FR Doc. 96-24859 Filed 9-26-96; 8:45 am]
BILLING CODE 4310-55-C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 092496A]

Atlantic Tuna Fisheries; Adjustments

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

ACTION: Fishery reopenings; catch limit adjustment.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (ABT) Angling category quota, as adjusted, has not been reached. Therefore, the Angling category fishery for school ABT will open for the northern area beginning Saturday, September 28, at 1 a.m. local time and close on Sunday, September 29 at 11:30 p.m. local time. The daily catch limit for this reopening is set at two school ABT per vessel. Additionally, NMFS adjusts the October subquota for the General category by transferring 22 mt from the Reserve, and adjusts the General category effort control schedule for October. These actions are being taken to extend scientific data collection on several size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories.

EFFECTIVE DATES: The Angling category fishery for school ABT will open for the northern area beginning Saturday, September 28, at 1 a.m. local time and close on Sunday, September 29 at 11:30 p.m. local time. The catch limit adjustment is effective for the duration of the reopening. The General category fishery for large medium and giant ABT will open for all areas beginning Tuesday, October 1, at 1 a.m. local time and close on Wednesday, October 2 at 11:30 p.m. local time. The New York Bight set-aside of 10 mt will be open for all areas south and west of Shinnecock inlet from Saturday, October 5, at 1 a.m., until the set-aside has been taken, which will be announced in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301–713–2347, or Mark Murray-Brown, 508–281–9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

Angling Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 138 mt of school ABT and 100 mt of large school/small medium ABT to be harvested from the regulatory area by vessels fishing under the Angling category quota during calendar year 1996. The school ABT quota is further subdivided into 65 mt for the waters off Delaware and states south and 73 mt for the waters off New Jersey and states north.

Based on catch estimates obtained through angler interviews, NMFS closed the southern school ABT fishery on July 25, 1996 (61 FR 38656, July 25, 1996) and the coastwide large school/small medium fishery on July 31, 1996 (61 FR 40352, August 2, 1996). Although catch estimates did not indicate that the quota was reached, NMFS closed the school ABT Angling category fishery for the northern area effective August 17, 1996 (61 FR 43027, August 20, 1996) due to the estimated landings exceeding the quotas for the school ABT southern area subquota and the coastwide large school/small medium ABT quota.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between categories after considering certain factors. Such authority was exercised to transfer 10 mt from the Inseason Reserve and reopen the school ABT Angling category fishery for the northern area effective September 13, 1996 (61 FR 48640). NMFS has determined that due to lower than expected fishing effort, attributable to poor weather conditions, the full 10 mt was not taken. NMFS, therefore, reopens the school ABT Angling category fishery, so that management and data collection objectives specified in the prior notice may be attained.

Catch Limit Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.24 provide for a daily catch limit of school or large school ABT of one fish per angler. However, the AA has the authority to make adjustments to catch limits to effect maximum utilization of the available quota and a fair distribution of fishing opportunities. For this reason, the catch limit is adjusted to two school ABT per vessel for the duration of this reopening.

This action is being taken to extend the season for the Angling category, provide for fishing opportunities in the northern fishing area, and ensure additional collection of biological assessment and monitoring data without exceeding the adjusted quota.

General Category Quota Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 541 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1996. The General category ABT quota is further subdivided into monthly quotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. Overharvest of the September subquota has reduced the October General category quota to 48 mt, including a 10 mt set aside for the traditional fall New York Bight fishery.

After considering the previously cited factors for making transfers between categories, the AA has determined that 22 mt of the remaining Inseason Reserve of 23 mt should be transferred to the General category. Thus, the October General category quota is set at 60 mt, with an additional 10 mt reserved for the New York Bight.

General Category Reopening

Implementing regulations for the Atlantic tuna fisheries at § 285.24 provide the AA with authority to adjust the catch limit for the General category to effect restricted fishing days. Such effort controls allow maximum utilization of the quota while maintaining a fair distribution of fishing opportunities. Catch rates in August and September approached or exceeded 30 mt per day. In order to ensure that the October subquota is not exceeded and that the set aside for the New York Bight can be maintained, the October effort control schedule is set as follows: (1) The General category fishery for large medium and giant ABT will open for all areas beginning Tuesday, October 1, at 1 a.m. local time and close on Wednesday, October 2 at 11:30 p.m. local time; (2) the New York Bight set-aside of 10 mt will open for the waters in areas south and west of a straight line originating at a point on the southern shore of Long Island at 72° 27' W. long.

(Shinnecock Inlet) and extending SSE 150° true) beginning Saturday, October 5, at 1 a.m. Upon the effective date of the set-aside, persons aboard vessels permitted in the General category may fish for, retain, and land large medium and giant ABT only in the set-aside area specified above, until the set-aside quota for that area has been harvested. NMFS will publish the date of the closure in the Federal Register.

Classification

This action is taken under 50 CFR 285.20(b), 50 CFR 285.22, and 50 CFR 285.24 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 24, 1996.

Gary C. Matlock,

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

[FR Doc. 96–24881 Filed 9–24–96; 4:41 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 189
Friday, September 27, 1996

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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 330

[Docket No. 95–095–1]

RIN 0579–AA80

Plant Pest Regulations; Review of Current Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and notice of public meeting.

SUMMARY: We are soliciting public comment on several issues pertaining to our current regulations regarding the importation and interstate movement of plant pests. Specifically, we are seeking public comment on the criteria used to determine whether an organism is a plant pest; what types of direct and indirect injury or damage to plants and plant products should be regulated; how to facilitate the interstate movement and use of biological control organisms; and how to best evaluate the safety of proposed releases into the environment of organisms with plant pest characteristics. The information gathered through this advance notice of proposed rulemaking will be used by the Animal and Plant Health Inspection Service as we consider the need for regulatory changes and weigh alternative methods of addressing plant pest risk as it pertains to the importation, interstate movement, and release into the environment of plant pest or potential plant pest organisms.

DATES: Consideration will be given only to comments received on or before December 26, 1996. We will also consider comments made at a public hearing to be held on November 7, 1996, from 10 a.m. until 5:00 p.m.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95–095–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–095–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room. The public hearing will be held on November 7, 1996, at the USDA Center at Riverside, 4700 River Road, Riverdale, MD.

FOR FURTHER INFORMATION CONTACT: Dr. Sally McCammon, Science Advisor, OA, APHIS, P.O. Box 96464, Washington, DC 20090–6464, (202) 720–8014, E-mail: smccammon@aphis.usda.gov; or Dr. Robert Flanders, Entomologist, Biological Assessment and Taxonomic Support, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236, (301) 734–8896, E-mail: bflanders@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Federal Plant Pest Act (FPPA), as amended (7 U.S.C. 150aa through 150jj), grants the Secretary of Agriculture broad authority to carry out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests; that authority gives the United States Department of Agriculture (USDA) the flexibility to respond appropriately to a wide range of needs and circumstances to protect American agriculture against foreign plant pests. The FPPA defines a *plant pest* as ''any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.''

The Secretary's authority under the FPPA and the Plant Quarantine Act, as amended (7 U.S.C. 151 through 164a, 167) has been delegated to the Administrator of the USDA's Animal and Plant Health Inspection Service (APHIS), which administers regulations and conducts activities for the purpose of controlling and eradicating plant pests. APHIS' Plant Protection and Quarantine program area bears primary responsibility within the agency for those plant pest control and eradication activities.

Many of APHIS regulations in title 7, chapter III, of the Code of Federal Regulations focus on the importation or interstate movement of plants or plant products—e.g., nursery stock, seeds, fruits and vegetables, logs and lumber—as a means of preventing the introduction and dissemination of plant pests that are new to or not widely distributed within and throughout the United States. Those regulations are based on the premise that certain plants or plant products may be a vector of, or be infected or infested with, a plant pest. Similarly, 7 CFR chapter III also contains regulations that restrict or prohibit the movement of articles such as soil, stone, and quarry products, garbage, packing materials, and soil-moving equipment due to the risks that those articles may introduce or disseminate plant pests. Still other regulations in 7 CFR chapter III focus on organisms that may be a vector of, or be infected or infested with, plant pests. Examples of such organisms are live bees other than honeybees of the genus *Apis* regulated under 7 CFR 319.76; live honeybees of the genus *Apis* regulated under 7 CFR part 322; and organisms genetically engineered through recombinant DNA techniques regulated under 7 CFR part 340. Finally, there are regulations that focus on assessing and mitigating the plant pest risks associated with the movement of plant pests themselves.

APHIS' plant pest regulations in 7 CFR 330.200 (referred to below as the plant pest regulations) are for the stated purpose of preventing the dissemination of plant pests into the United States, or interstate, by regulating the movement of plant pests into or through the United States and interstate. When these regulations were first promulgated in 1959, they adequately addressed the needs of the regulated community, which at the time consisted mostly of government and academic researchers. In the years since 1959, however, the range of research and applications involving organisms that present plant pest risk has broadened enormously. In

addition to applications to move the ''traditional'' plant pests, APHIS now regularly receives requests to import or move interstate organisms such as parasites and predators for the biological control of arthropod pests; centipedes, walking sticks, praying mantises, butterflies, giant cockroaches, etc. for insect zoos; and microbes for soil treatment.

Although the range of organisms for which plant pest permits are requested has changed dramatically since 1959, APHIS' plant pest regulations have not been substantively amended to keep pace with those changes.

Nonindigenous Species Report

APHIS did propose to supplement its plant pest regulations following the September 1993 release of a report by the U.S. Congress' Office of Technology Assessment (OTA) entitled ''Harmful Non-Indigenous Species in the United States'' (OTA–F–565, Washington, DC; U.S. Government Printing Office, September 1993, referred to below as the OTA report). The OTA report examined pathways through which harmful nonindigenous organisms enter the United States, the harmful effects and economic consequences of many introduced organisms, and the State/Federal regulatory framework in place to prevent their introduction. One conclusion of the OTA report was that Federal agencies, including APHIS, should reevaluate, within their respective areas of responsibility, their approaches to dealing with introductions into the United States of nonindigenous organisms. The OTA report also highlighted the benefits that could accrue as a result of the increased use of biological control in pest management.

In response to the OTA report, APHIS published a proposed rule in the Federal Register on January 26, 1995 (60 FR 5288–5307, Docket No. 93–026–1) to establish new regulations to provide a means of screening certain nonindigenous organisms prior to their introduction to determine the potential plant pest risks associated with their introduction. We received over 250 comments on that proposed rule, none of which supported the proposed rule as written. After considering all the comments, we determined that the revisions needed to reconcile the proposed regulations with the very diverse views expressed in the comments would be so significant that any final rule would be substantially different from the proposed rule on which the public had the opportunity to comment. Therefore, on June 16, 1995, we withdrew the proposed rule (60 FR 31647, Docket No. 93–026–4).

Regulatory Reform

In addition to any issues that may remain unresolved with regard to the recommendations of the OTA report, we have also made a commitment to reassess our plant pest regulations in response to the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals. To further both of those objectives, we have prepared this advance notice of proposed rulemaking to identify and seek input on several issues that we believe must be addressed in order for us to improve the service we provide to our stakeholders and move forward with a long overdue revision of the plant pest regulations. These issues are:

- The criteria used to determine whether an organism is a plant pest;
- What types of direct and indirect injury or damage to plants and plant products should be regulated;
- APHIS' role in facilitating the interstate movement and use of biological control organisms; and
- How to best evaluate the safety of proposed releases into the environment of organisms with plant pest characteristics.

These issues, and our questions regarding them, are discussed in detail below.

Determination of Plant Pest Status

The provisions of the plant pest regulations are most often implemented when a person requests a permit for the importation or interstate movement of an organism that is, or may be, a plant pest or that presents a risk of introducing or disseminating a plant pest. When a person seeks to import such an organism into the United States for the first time, APHIS will generally allow it to enter the country provided the organism is consigned directly to a containment facility inspected by APHIS, particularly if the organism is unidentified or field-collected. Such facilities are designed and operated to minimize the risk that the organisms contained in them could escape. Once in containment, an imported organism is separated from any contaminants (e.g., other organisms or plant materials) and evaluated in terms of the potential it has to directly or indirectly injure or cause damage or disease in plants or plant products. The same evaluation is applied to organisms already present in the United States, i.e. those organisms for which a plant pest permit for interstate movement has been requested.

To determine whether or not an organism is a plant pest or poses a risk of introducing or disseminating a plant pest, APHIS conducts what we refer to as a first-tier pest risk assessment. First, because the identity of an organism is the key to subsequent research, we seek to establish whether the organism has been identified by a recognized authority or, if the species is undescribed or if it belongs to a group poorly understood by taxonomists, whether voucher materials have been deposited in a major U.S. repository, such as the collection at a major university. Once that consideration has been addressed, we then look at the organism in light of five questions; an affirmative answer to any one of these questions would give us reason to believe that the subject organism is a plant pest. Those questions are:

- Does the organism feed on, infect, or parasitize living plant tissues?
- Does the organism feed on, infect, or contaminate plant products such as stored grain, stored fruit, or lumber?
- Does the organism transmit plant pathogens?
- Does the organism develop as a secondary parasite, pathogen, or predator of a primary natural enemy of a herbivore or plant pathogen?
- Does the organism adversely affect commercially important pollinators or important herbivores or plant pathogens that control weeds?

In that those five questions dictate, in large measure, the questions that we would ask on an application for a plant pest permit or in some sort of pre-application guidance document, we would like your comments on those questions. Do they constitute an adequate measure of plant pest risk, or should additional criteria be included?

Indirect Injury or Damage

Many of the commenters who responded to our January 1995 proposed rule were critical of our lack of specificity when it came to what we might consider ''indirect'' injury or damage to plants or plant products. The tone of the proposed rule implied that we considered potential injury very broadly to include all negative impacts of all organisms within food chains where plants are the primary producers. Under such a scheme, herbivores and plant pathogens cause direct plant injury, while parasites and predators at higher trophic levels may cause indirect injury; any proposed insertion of an organism into a food web would require an evaluation of all potential disturbances within that food web.

While some groups may support an approach that requires an evaluation of all potential significant environmental impacts of introducing new organisms into an established food web, other groups strongly oppose that approach because it means that many parasites, predators, and pathogens that have traditionally been released to control herbivores and plant pathogens (i.e., biological control organisms) would be defined as plant pests because their effects on their intended targets could be construed as causing indirect injury or damage to plants or plant products.

In order that we may more clearly delineate the types of effects that could be considered ''indirect'' injury or damage to a plant or plant product and thus bring a greater degree of clarity or predictability to the plant pest permitting process, we are offering the following interpretation of ''indirect'' injury or damage for your consideration:

Direct and indirect injury or damage refers only to impacts within a food chain that negatively affect plants or plant products. Thus, for example, parasites or predators that inflict population-level damage on herbivorous invertebrates would not themselves be considered plant pests because their actions cause a reduction in direct injury or damage to plants or plant products. However, organisms at the next higher trophic level (e.g., hyperparasites) would be seen as causing indirect injury or damage to plants or plant products if they suppress the actions of the parasites, predators, or pathogens that would otherwise reduce the degree of direct injury or damage to plants or plant products. Similarly, because organisms such as honey bees, bumblebees, etc. are critical pollinators, any parasites, predators, or pathogens that adversely impact those pollinators would be seen as causing indirect injury or damage to plants or plant products due to the potential negative impact of reduced pollination.

Considering all the ramifications, is this interpretation of indirect injury or damage too narrow, or would a broader interpretation of indirect injury or damage unnecessarily hinder or delay the resolution of plant pest problems?

Voluntary Standards

When, as a result of our review, we determine that an organism is not a plant pest, we will inform the applicant that a plant pest permit is not required for the importation or interstate movement of the organism. In many cases, an applicant will request that APHIS issue a courtesy permit for the movement of such an organism. The plant pest regulations provide for the issuance of courtesy permits for the movement of organisms that are not subject to regulation under the FPPA or any other act, as a courtesy to facilitate movement when the movement might otherwise be impeded because of the similarity of the organisms with others regulated under the FPPA. Such permits are most frequently requested for the interstate movement of parasites, predators, and pathogens that are intended for use in the biological control of plant pests.

APHIS deals regularly with State plant health officials who wish to see some Federal regulatory oversight for the interstate movement of such organisms. That is one of the reasons that courtesy permits are so often issued to facilitate the interstate movement of parasites, predators, and pathogens that are intended for use in the biological control of plant pests. Indeed, it may be desirable for there to be some degree of regulatory oversight on the part of APHIS to address the plant pest risks related to the movement of field-collected biological control organisms and host material.

One idea that has been raised that might fill any potential regulatory void while promoting the use of biological control is the formation of a cooperative program involving Federal and State agencies, biological control producers and distributors, and the biological control research community. The goal of the cooperative program would be to establish and promote compliance with a set of voluntary or consensus standards for the interstate movement and release into the environment of organisms used in the biological control of plant pests.

Under the FPPA, the Secretary of Agriculture is authorized to carry out measures to prevent or retard the spread of plant pests, either independently or in cooperation with States, farmers' associations and similar organizations, or individuals. In that the voluntary program would be a cooperative effort to facilitate research into and the movement of organisms used to prevent or retard the spread of plant pests, we believe that it could be established under our existing statutory authority.

A benefit of the plan would be that it could serve as a ''seal of approval'' for biological control researchers, producers, and distributors in the sense that its guidelines would be considered optimal for the research community and the industry. The voluntary plan could be operated under standards produced through consensus by its participants, i.e., government, industry, and the research community; a document drafted and widely distributed by the National Biological Control Institute, a non-regulatory unit within APHIS, entitled ''Options for Changes in Biological Control Regulations and Guidelines in the United States: A Strawman for Comment'' is one example of the form that the voluntary plan's guidelines could take. Because participation in the plan would be voluntary, individuals would be likely to participate in the program as long as the benefits they derive from the program outweigh any added costs they might incur through their participation.

Would the level of support and participation from industry and the research community be great enough to justify the formation of such a program?

We are interested in receiving any ideas at all about the membership, leadership, responsibilities, funding, authority, etc. of a voluntary, cooperative program for organisms intended for the biological control of plant pests.

Releasing Plant Pests

When we have reason to believe that an organism is a plant pest or poses the risk of introducing or disseminating plant pests, that organism will be held in containment or refused permission to be moved interstate. However, there are organisms that possess plant pest characteristics but that have potential applications outside the laboratory or containment that would recommend their eventual release into the environment. Specifically, such organisms may have use in the biological control of weeds.

APHIS would only consider allowing such an organism to be released into the environment after it has been determined that the organism causes population-level injury, damage, or disease in a demonstrably narrow range of closely related plant species. The targeted plant species must also be overwhelmingly considered undesirable weeds before APHIS would consider allowing the release of an organism displaying plant pest characteristics.

We believe that a case can be made for the considered release into the environment of certain organisms that manifest plant pest characteristics; indeed, APHIS has, on a case-by-case basis, considered and granted approval for such releases. However, our current plant pest regulations make no provisions for such releases.

The demonstrated benefits accruing from the public and private use of integrated pest management principles make it likely that the use of organisms for the biological control of weeds will only increase. Therefore, we believe that it is necessary to develop standards that

would allow us to determine whether an organism could be safely employed for the biological control of weeds. Through our previous experience with determining the safety of potential biological control organisms of weeds, we have developed several questions that speak to the primary factor that must be considered in assessing such releases, i.e., host specificity. Those questions are:

- Does the organism feed upon, infect, or suppress only the target plant species or a few closely related species?
- If an arthropod, does the organism deposit eggs on plant species besides the target? If so, how closely are these plant species related to the target? Similarly, if the organism is a plant pathogen, can its spores or other propagules germinate and penetrate the tissues of plants other than the target?
- If the organism deposits eggs on plant species other than the target, do those eggs hatch and can the resulting immature stages significantly feed on them and complete their development? For plant pathogens, does penetration of the plant tissues lead to disease symptoms or signs in the plant?
- If the organism is an arthropod, are its immature stages capable of completing development on plants other than the target, and are the resulting adults fertile? Similarly, if the organism is a plant pathogen, does infection of nontarget plants result in the subsequent production of viable spores or other infective units?
- Does the probable ecological range (especially those related to tolerances for physical environmental parameters, especially temperature and humidity) of the organism overlap the distribution of native plant species that are related to the target in the United States and that are attacked in laboratory tests?
- Is the organism closely related to other species or strains that exhibit narrow or broad host specificities?
- Can the organism feed upon, attack, infect, or otherwise adversely impact endangered or threatened plant or animal species in the United States?

We are seeking your input on the appropriateness of these questions for assessing the risks of releasing organisms with plant pest characteristics for the biological control of weeds. What other considerations might be appropriate for such an assessment? Should any special requirements be imposed on organisms proposed for release on islands such as Puerto Rico or the State of Hawaii? Should APHIS require applicants to submit post-release monitoring data regarding possible attacks on nontarget plant species?

Public Hearing

APHIS will host a public hearing to provide interested persons a full opportunity to present oral presentations of data, views, arguments, and questions regarding this advance notice of proposed rulemaking. The hearing will be held on November 7, 1996, at the USDA Center at Riverside, 4700 River Road, Riverdale, MD.

A representative of APHIS will preside at the public hearing. Any interested person may appear and be heard in person, by attorney, or by other representative. Persons who wish to speak at the public hearing will be asked to sign in, listing their names and organizations.

The public hearing will begin at 10 a.m. local time and is scheduled to end at 5 p.m. local time. However, the hearing may be terminated at any time after it begins if all persons desiring to speak have been heard. We ask that anyone who reads a statement provide two copies to the presiding officer at the hearing. If the number of speakers at the hearing warrants it, the presiding officer may limit the time for each presentation so that everyone wishing to speak has the opportunity.

We welcome all comments on the scope, approach, criteria, and issues outlined above and encourage the submission of ideas on any associated topics or other suggestions for the evaluation of plant pest risk and the improvement of the evaluation and permitting process. APHIS will consider all comments and recommendations in developing any revisions to the current FPPA regulations and will initiate rulemaking for any changes deemed appropriate.

Authority: 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 160, 162, and 2260; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 24th day of September 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–24847 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 95P–0337/CP1]

Food Labeling: Saccharin and Its Salts; Retail Establishment Notice; Revocation

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revoke the food labeling regulation that prescribes conditions for the display by a retail establishment of a notice concerning the sale of products containing saccharin and its salts. This action is being taken in response to the enactment of Pub. L. 104–124, which amended the Federal Food, Drug, and Cosmetic Act (the act), and a citizen petition submitted by the Calorie Control Council. This action is intended to reduce the burden on small businesses.

DATES: Comments by December 11, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFS–151), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4561.

SUPPLEMENTARY INFORMATION: FDA is proposing to amend its food labeling regulations by revoking § 101.11 *Saccharin and its salts; retail establishment notice* (21 CFR 101.11). In the Federal Register of March 3, 1978 (43 FR 8793), FDA adopted § 101.11 to implement a provision of the Saccharin Study and Labeling Act (Pub. L. 95–203) (hereinafter referred to as the SSLA). Among other things, the SSLA amended the act by adding section 403(p) (21 U.S.C. 343(p)), which provided that a food would be misbranded if it contained saccharin and was offered for sale, but not for immediate consumption, at a retail establishment unless the retail establishment displayed specific information relative to saccharin and its salts.

On October 11, 1995, FDA received a citizen petition from the Calorie Control Council requesting that the agency revoke § 101.11. The petition claimed

that: (1) ''[T]he language of the notice is outdated and appears to have been intended for a labeling transition that took place during 1977–1978,'' (2) ''specific requirements of the regulation are outdated,'' and (3) ''the regulation is one that should be deleted per President Clinton's request for a list of regulations that the agency plans to eliminate.''

Subsequently, on April 1, 1996, the President signed into law Pub. L. 104–124 to amend the act by repealing section 403(p) of the act. In discussing the provisions of H. R. 1787, which was enacted as Pub. L. 104–124, the House report reflected on the intent of the SSLA provision for a store placard and the intent of Pub. L. 104–124 that the placard no longer be required:

> The redundant store notice warning requirement was included as a stop-gap measure to provide the warning prior to the time that warning labels would begin to appear on foods containing saccharin. Now that warning labels appear on all products, this requirement is no longer necessary. Eliminating the store warning notice will reduce a burden on retail establishments including ''mom and pop'' grocery stores, neighborhood supermarkets, pharmacies, and convenience stores.

H. Rept. 104–386, page 2 (December 6, 1995).

In view of the revocation of section 403(p) of the act by Pub. L. 104–124 and the fact that section 403(o) of the act, which was also added to the act by the SSLA, requires that all food products containing saccharin include on their labeling a warning statement (see Statement of final guidelines for labeling of food products containing saccharin (42 FR 62209, December 9, 1977)), the agency tentatively finds that § 101.11 is no longer necessary and should be revoked. This action responds to the request in the Calorie Control Council's citizen petition. This action is also consistent with the Administration's ''Reinventing Government'' initiative which seeks to ease burdens on regulated industry and consumers.

FDA has determined that this proposed rule is not a significant regulatory action for the purposes of Executive Order 12866. This proposed rule is expected to reduce the burden on small businesses. Therefore, the agency certifies that this proposed rule will not have a significant adverse impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) is intended to minimize the reporting and recordkeeping burden on the regulated community, as well as to minimize the cost of Federal information collection and dissemination. In general, the Paperwork Reduction Act of 1995 requires that information requests and recordkeeping requirements affecting 10 or more non-Federal respondents be approved by the Office of Management and Budget. Because this proposed rule would remove an existing regulation and would not establish or modify any information or recordkeeping requirements, it is not subject to the requirements of the Paperwork Reduction Act of 1995.

Interested persons may, on or before December 11, 1996 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

> Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

§ 101.11 [Removed]

2. Section 101.11 *Saccharin and its salts; retail establishment notice* is removed from subpart A.

Dated: September 19, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–24754 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 96N–0240]

Food Labeling; Dietary Supplement; Nutritional Support Statement; Notification Procedure

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to establish the procedure by which manufacturers, packers, and distributors of dietary supplements who are marketing a dietary supplement product that bears on its label or in its labeling one of the types of statements provided for in the Federal Food, Drug, and Cosmetic Act (the act) are to notify FDA of that fact. FDA is issuing this proposal in response to the Dietary Supplement Health and Education Act of 1994 (the DSHEA) and to inquiries from the dietary supplement industry.

DATES: Written comments by December 26, 1996.

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

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Center for Food Safety and Applied Nutrition (HFS–456), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5372.

SUPPLEMENTARY INFORMATION:

I. Background

On October 25, 1994, the DSHEA (Pub. L. 103–417) was signed into law. The DSHEA, among other things, amended the act by adding section 201(ff) (21 U.S.C. 321(ff)), which defines a ''dietary supplement,'' by adding section 403(r)(6) (21 U.S.C. 343(r)(6)), which provides for the use of certain types of statements on the labels and in the labeling of dietary supplements, and by amending section 201(g)(1), which defines ''drug,'' to state: ''A food, dietary ingredient, or dietary supplement for which a truthful and nonmisleading statement is made in accordance with section 403(r)(6) is not a drug under clause (C) solely because the label or the labeling contains such a statement.''

Section 403(r)(6) states that a statement for a dietary supplement may be made if:

> [T]he statement claims a benefit related to a classical nutrient deficiency disease and

discloses the prevalence of such disease in the United States, describes the role of a nutrient or dietary ingredient intended to affect the structure or function in humans, characterizes the documented mechanism by which a nutrient or dietary ingredient acts to maintain such structure or function, or describes general well-being from consumption of a nutrient or dietary ingredient * * *

(section 403(r)(6)(A) of the act) and certain other conditions are met. These other conditions include that the manufacturer of the dietary supplement have substantiation that the statement is truthful and not misleading (section 403(r)(6)(B)); that the statement prominently contain the disclaimer: ''This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure, or prevent any disease'' (section 403(r)(6)(C)); and that the manufacturer notify FDA no later than 30 days after the first marketing of a dietary supplement product that bears such a statement on its label or in its labeling.

While section 403(r)(6) of the act became effective immediately upon the signing of the DSHEA by the President, FDA has tentatively concluded that certain elaborations and clarifications of its provisions will facilitate implementation of this section. Although some manufacturers have already submitted notifications to the agency under section 403(r)(6), others have made inquiries that reflect uncertainty about what must be done to notify the agency about a statement of this type for a dietary supplement product. In addition, the Nutritional Health Alliance, in a petition dated March 20, 1995 (petition number 95P–0079/CP 1), requested, among other things, that FDA issue regulations implementing section 403(r)(6) of the act, including regulations on the procedure to notify the agency about such statements. Therefore, the agency is issuing this proposal to facilitate manufacturers' preparation and submission of the notice required under section 403(r)(6) of the act. In this proposal, FDA has sought to set out those steps necessary to ensure that notification is accomplished as efficiently as possible but with the least possible burden on the industry.

FDA recommends that pending final action on this proposal, manufacturers, packers, or distributors who file notices with FDA under section 403(r)(6) of the act follow the procedures proposed below.

II. The Proposal

Proposed § 101.93(a) provides that a manufacturer, packer, or distributor of a dietary supplement who wishes to take advantage of section 403(r)(6) of the act, notify the Office of Special Nutritionals (HFS–450), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C. St. SW., Washington, DC 20204, within 30 days after first marketing, that it is marketing a dietary supplement that bears one of the statements listed in section 403(r)(6) of the act. This provision reflects the basic requirement of the act. Proposed § 101.93(a) provides that the notification be submitted as an original and two copies to ensure that the agency receives the number of copies necessary for the maintenance of records to demonstrate that the manufacturer has complied with the requirements of the act.

Proposed § 101.93(b)(1) provides that the name and address of the manufacturer, packer, or distributor of the dietary supplement product that bears such a statement be included in the notification. This information is necessary to identify the firm responsible for the claim.

Proposed § 101.93(b)(2) provides that the text of the statement that is being made be included in the notification. FDA tentatively finds that this information is necessary to enable the agency to determine whether the statement is of the type that can appropriately be made under section 403(r)(6) of the act. For example, FDA has already received notifications for numerous statements that evidence an intent to cure, treat, mitigate, diagnose, or prevent disease. FDA has advised the submitters of these notices of this fact and of the fact that such statements are not authorized under section 403(r)(6) of the act, and that if the company continues to market the product, it risks regulatory action by the agency.

Proposed § 101.93(b)(3) provides that firms are to include in the notification the name of the dietary ingredient or supplement that is the subject of a statement if it is not provided in the text of the statement. It would not be possible for FDA or the manufacturer to know with certainty whether a notification has been submitted for a statement on the labeling of a specific product or a product containing a specific dietary ingredient, or whether the claim was being made in compliance with the requirements of the act, without this information.

Proposed § 101.93(b)(4) provides that firms are to include in the notification the name of the dietary supplement (including the brand name) if not provided in response to proposed § 101.93(b)(3). A claim may be made for a dietary ingredient, in which case the claim that is the subject of the notification would likely not identify the product labeled with the claim. If the notification did not include the name of the dietary supplement product, FDA could not determine whether a product whose label bears the claim is in compliance with section 403(r)(6). Therefore, the agency tentatively concludes that it is necessary for the notification to contain the name of the dietary supplement, as well as of the dietary ingredient.

Proposed § 101.93(c) provides that the notice be signed by a responsible individual or the person who can certify the accuracy of the information presented and contained in the notice. This provision will ensure that a responsible person at the firm, qualified to determine that the statutory requirements have been met, has reviewed and certified that the notification is complete and accurate. Proposed § 101.93(c) also requires that the individual certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading. This certification is necessary to provide assurance that the firm has fully complied with the requirements of section 403(r)(6) of the act.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Economic Impact

FDA has examined the economic implications of the proposed rule as required by Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of $100 million; adversely affecting some sector of the economy in a material way; adversely affecting jobs

or competition; or raising novel legal or policy issues. If a rule has a significant economic effect on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic impact of the rule on small entities. FDA finds that the proposed rule does not constitute a significant rule as defined by Executive Order 12866, and finds that under the Regulatory Flexibility Act, the proposed rule will not have a significant impact on a substantial number of small entities. Finally, the agency, in conjunction with the Administrator of the Office of Management and Budget (OMB), finds that this proposed rule is not a major rule for the purpose of congressional review (Pub. L. 104–121).

The proposed rule deals only with notification of nutritional support statements. The costs and benefits associated with the nutritional support statements themselves were analyzed in the Federal Register on December 28, 1995 (60 FR 67176). Because the proposed rule covers only the procedures for notification, not the rules governing the nutritional support statements themselves, this regulatory impact analysis will be restricted to the costs and benefits of the notification procedure.

The costs of this regulation are the costs of preparing and submitting notification to FDA regarding statements of nutritional support. The size of these costs will depend on the amount and type of information contained in the support statements. The greater the amount of information, the greater will be the cost of notification. Because the information should already have been gathered in order to prepare the nutritional support statement itself, the additional cost incurred for notification will be small and in many instances negligible. The benefits of this regulation are that the information will enable FDA to enforce the rules governing the use of nutritional support statements for dietary supplements.

Under the Regulatory Flexibility Act, FDA must consider the effects of the proposed rule on small businesses. For purposes of defining industry size standards, the Small Business Administration (SBA) classifies industries according to four-digit Standard Industrial Classification (SIC) codes. SBA does not define ''small'' for the dietary supplement industry, because no SIC code corresponds to the industry—dietary supplements encompass a wide range of products. The industry's products, for the most part, come closest to the industry groups Food Preparations N.E.C. (SIC code 2099) and Medicinal Chemicals and Botanical Products (SIC code 2833). The SBA size standards for small businesses are 500 or fewer employees for food preparations and 750 or fewer employees for medicinal and botanical products. Under either employee-based size standard, virtually all firms in the dietary supplement industry could be classified as small, including some firms that are among the leaders in sales revenues.

For the dietary supplement industry, FDA proposes to base size classifications on sales revenue rather than employees. According to Nutrition Business Journal (August 1996), the industry includes 850 manufacturing companies and more than 100 large multilevel marketing firms that sell mostly dietary supplements. The journal divides the 850 manufacturing firms into the following three groups: 11 firms with total revenues over $100 million, accounting for 53 percent of total sales; 30 firms with sales revenues between $20 and $100 million, accounting for 28 percent of total sales; and 809 firms with sales under $20 million, accounting for 19 percent of total sales. The 809 firms in the under $20 million category have an average sales revenue of $800,000 and will be considered small businesses by FDA. The SBA sales revenue standard for businesses that cannot be classified into a specific industry is $5 million; the 29 independent firms (one manufacturer in the category is a division of conglomerate) with sales between $20 and $100 million will therefore not be classified as small. FDA concludes that at least 809 firms in the dietary supplement industry should be considered small businesses.

The number of small businesses affected by this proposed rule could include all 809 small manufacturing firms in the industry, but the additional costs imposed by the notification provisions will be negligible to small. FDA therefore finds that this proposed rule will not have a significant economic effect on a substantial number of small businesses.

V. Paperwork Reduction Act

This proposed rule contains information collections which are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). Therefore, in accordance with 5 CFR 1320, the title, description, and respondent description of the proposed collection of information requirements are shown below with an estimate of the annual collection and information burden. Included in the estimate is the time for assembling existing data sources, gathering necessary information, and completing and submitting the notification.

Title: Food Labeling; Section 403(r)(6) Statements; Notification Procedure.

Description: FDA is proposing a regulation requiring manufacturers, packers, and distributors of dietary supplements to notify FDA that they are marketing a dietary supplement product that bears on its label or in its labeling a statement provided for in section 403(r)(6) of the act. Section 403(r)(6) of the act requires that the agency be notified, with a submission about such statements, no later than 30 days after the first marketing of the dietary supplement. Information that is required in the submission includes: (1) The name and address of the manufacturer, packer, or distributor of the dietary supplement product; (2) the text of the statement that is being made; (3) the name of the dietary ingredient or supplement that is the subject of the statement; (4) the name of the dietary supplement (including the brand name); and (5) a signature of a responsible individual who can certify the accuracy of the information presented.

The agency is proposing that § 101.93 establish procedures for submitting required information. Proposed § 101.93 provides details of the procedures associated with the submission and identifies the information that must be included in the submission in order to meet the requirements of section 403 of the act.

Description of Respondents: Businesses or other for-profit organizations.

DESCRIPTION OF RESPONDENTS: BUSINESSES OR OTHER FOR-PROFIT ORGANIZATIONS

21 CFR Section	Annual No. of Respondents	Annual Frequency per Response	Average Burden Hours per Response	Annual Burden Total Hours
101.93	Variable	20	0.5–1 hr	210–420 hrs
Total				210–420 hrs

The agency believes that there will be minimal burden on the industry to generate information to meet the requirements of section 403 of the act in submitting information regarding section 403(r)(6) of the act statements on labels or labeling of dietary supplements. The agency is requesting only information that is immediately available to the manufacturer, packer, or distributor of the dietary supplement that bears such a statement on its label or in its labeling. The agency estimates that listing the information required by section 403 of the act, and presenting it in a format that will meet the proposed procedures of § 101.93, will require a burden of approximately 0.5 to 1 hour of work per submission.

The agency has submitted to OMB copies of this proposed rule for its review of this information collection requirement. Interested persons are requested to submit comments regarding the collection of information requirements to FDA's Dockets Management Branch (address above), and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503. Attn: FDA Desk Officer.

VI. Effective Date

FDA is proposing to make these regulations effective 30 days after date of publication of a final rule in the Federal Register.

VII. Comments

Interested persons may, on or before December 26, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 101 be amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

2.New § 101.93 is added to subpart F to read as follows:

§ 101.93 Statements under section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act.

(a) No later than 30 days after the first marketing of a dietary supplement that bears one of the statements listed in section 403(r)(6) of the Federal Food, Drug, and Cosmetic Act, the manufacturer, packer, or distributor of the dietary supplement shall notify the Office of Special Nutritionals (HFS–450), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, that it has included such a statement on the label or in the labeling of its product. An original and two copies of this notice shall be submitted.

(b) The notification shall include the following:

(1) The name and address of the manufacturer, packer, or distributor of the dietary supplement product that bears the statement;

(2) The text of the statement that is being made;

(3) The name of the dietary ingredient or supplement that is the subject of the statement, if not provided in the text of the statement; and

(4) The name of the dietary supplement (including brand name), if not provided in response to the preceding subparagraph, on whose label, or in whose labeling, the statement appears.

(c) The notice shall be signed by a responsible individual or the person who can certify the accuracy of the information presented and contained in the notice. The individual shall certify that the information contained in the notice is complete and accurate, and that the notifying firm has substantiation that the statement is truthful and not misleading.

Dated: September 19, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–24751 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 190

[Docket No. 96N–0232]

Premarket Notification for a New Dietary Ingredient

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to establish the procedure by which a manufacturer or distributor of dietary supplements, or of a new dietary ingredient, is to submit, under the Federal Food, Drug, and Cosmetic Act (the act), the information on which it has concluded that a dietary supplement containing a new dietary ingredient will reasonably be expected to be safe. FDA is setting out those steps that it has tentatively concluded are necessary to ensure that notification is accomplished efficiently but with the least burden possible on the industry. FDA is issuing this proposal in response to the Dietary Supplement Health and Education Act of 1994 (the DSHEA).

DATES: Written comments by December 26, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, 301–245–1064.

FOR FURTHER INFORMATION CONTACT: Carolyn W. Miles, Center for Food Safety and Applied Nutrition (HFS–456), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5372.

SUPPLEMENTARY INFORMATION:

I. Background

On October 25, 1994, the DSHEA (Pub. L. 103–417) was signed into law. The DSHEA, among other things, amended the act by adding section 201(ff) (21 U.S.C. 321(ff)), which defines a dietary supplement, and by adding section 413 (21 U.S.C. 350b), which, among other things, provides for the notification of the Secretary of Health and Human Services (the Secretary) (and by delegation FDA) at least 75 days before the introduction or delivery for introduction into interstate commerce of a dietary supplement that contains a new dietary ingredient. Section 413(a) of the act states that a dietary supplement that contains a new dietary ingredient shall be deemed adulterated unless it meets one of two requirements. One requirement is that the dietary supplement contain only dietary ingredients that have been present in the food supply as articles used for food in a form in which they have not been chemically altered. Alternatively, the dietary supplement is not adulterated if there is a history of use or other evidence of safety establishing that the new dietary ingredient, when used under the conditions recommended or suggested in the supplement's labeling, will reasonably be expected to be safe, and at least 75 days before the supplement is introduced or delivered for introduction into interstate commerce, the manufacturer or distributor of the dietary ingredient or dietary supplement provides the Secretary with information, including any citation to published articles, that is the basis on which the manufacturer or distributor has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe.

FDA urges that, pending final action, manufacturers and distributors who file notices with FDA under section 413(a) of the act follow the procedures proposed in this document.

II. The Proposal

A. Notification Procedure

Proposed § 190.6(a) provides that at least 75 days before introducing or delivering for introduction into interstate commerce a dietary supplement that contains a new dietary ingredient, the manufacturer or distributor of that supplement, or of the new dietary ingredient, submit to the Office of Special Nutritionals (HFS–450), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, information, including any citation to published articles, that is the basis on which the manufacturer or distributor has concluded that the dietary supplement containing the new dietary ingredient will reasonably be expected to be safe. Proposed § 190.6(a) requires that the notification be submitted as an original and two copies. FDA tentatively concludes that the submission of this number of copies is necessary to ensure that there will be a copy for public display and copies for any agency employees who will need to review the notification.

Proposed § 190.6(b)(1) provides that the notification shall include the name and address of the manufacturer or distributor of the new dietary ingredient or of the dietary supplement that contains the new dietary ingredient. This information is necessary to identify the firm that is responsible for the notification and that intends to market the new dietary ingredient.

Proposed § 190.6(b)(2) provides that the new dietary ingredient notification contain the name of the new dietary ingredient that is the subject of the premarket notification, including the Latin binomial name (including the author) of any herb or other botanical. FDA tentatively concludes that this information is necessary so that the agency will know what ingredient is the subject of the notification and will be able to determine whether the information submitted is appropriate for making an evaluation of the safety of the new dietary ingredient.

Proposed § 190.6(b)(3) requires that the notification contain a description of the dietary supplement, or dietary supplements, that are to contain the new dietary ingredient. FDA is proposing that this description include the level of the new dietary ingredient in the dietary supplement (§ 190.6(b)(3)(i)) and the conditions of use recommended or suggested in the labeling of the dietary supplement, or if no conditions of use are recommended or suggested in the labeling of the dietary supplement, the ordinary conditions of use of the supplement (§ 190.6(b)(3)(ii)). This information is necessary to facilitate the agency's review of the use of the new dietary ingredient and to determine whether there is any basis for concern about the safety of its use.

Proposed § 190.6(b)(4) provides that the new dietary ingredient notification shall also contain the history of use or other evidence of safety establishing that the dietary ingredient, when used under the conditions recommended or suggested in the labeling of the dietary supplement, will reasonably be expected to be safe. Under proposed § 190.6(b)(4), this history of use or other evidence of safety must include citation to published articles or other evidence that is the basis on which the distributor or manufacturer of the dietary supplement has concluded that a dietary supplement containing such dietary ingredient will reasonably be expected to be safe. Proposed § 190.6(b)(4) reflects the requirements in section 413(a)(2) of the act. FDA is providing in proposed § 190.6(b)(4) that any reference to published information offered in support of the notification required by § 190.6(a) be accompanied by reprints or photostatic copies of such references, and that, if any part of the material submitted is in a foreign language, it be accompanied by an accurate and complete English translation. FDA tentatively concludes that submission of this material is necessary for efficient implementation of this provision of the act.

Proposed § 190.6(b)(5) provides that the new dietary ingredient notification contain the signature of an authorized official of the manufacturer or distributor of the dietary supplement that contains the new dietary ingredient. FDA is including this provision to ensure that the individual that is responsible for the accuracy, completeness, and understandability of the notification is identified.

B. Administrative Procedures

Proposed § 190.6(c) states that the date that the agency receives the notification submitted under § 190.6(a) is the filing date for the notification. Consistent with section 413(a)(2) of the act, proposed § 190.6(c) also provides that the manufacturer or distributor of the dietary supplement that contains the new dietary ingredient is not to introduce the dietary supplement, or deliver it for introduction, into interstate commerce for 75 days after the filing date. Congress provided for a 75-day notice so that the agency would have sufficient time to examine all of the material submitted and decide whether there is any basis for concern about the marketing of a dietary supplement that contains a new dietary ingredient.

Proposed § 190.6(d) states that if the manufacturer or distributor of the dietary supplement that contains a new dietary ingredient, or of a new dietary ingredient, provides additional information in support of the new dietary ingredient notification, the date of receipt by FDA of the additional information in support of the new dietary ingredient notification will constitute the filing date of the notification. FDA tentatively concludes

that it is necessary to give a new filing date to the new dietary ingredient notification when additional information in support of the notification is received so that the agency has time to examine all of the material submitted and to determine whether there is any basis for concern about the marketing of the dietary supplement.

Consistent with section 413(a) of the act, proposed § 190.6(e) provides that the FDA will not disclose the existence of, or the information contained in, a new dietary ingredient notification for 90 days after the filing date of the notification. Proposed § 190.6(e) also provides that after the 90th day, all information in the notification will be placed on public display, except for any information that is trade secret or otherwise confidential commercial information.

Proposed § 190.6(f) makes clear, however, that failure of the agency to respond to a notification does not constitute a finding by the agency that the new dietary ingredient or the dietary supplement that contains the new dietary ingredient is safe, or that it is not adulterated under section 402 of the act (21 U.S.C. 342). This tentative position reflects the fact that the manufacturer or distributor of a new dietary ingredient or a dietary supplement that contains a new dietary ingredient is only required to provide the basis on which it has concluded that the dietary supplement will reasonably be expected to be safe. Since the manufacturer or distributor is not required to do a complete search of all available sources of information on the new dietary ingredient, the agency will not be in a position to make a determination that the supplement is safe, or that it is not adulterated under section 402 of the act.

III. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the economic impact of the proposed rule as required by Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of $100 million; adversely affecting some sector of the economy in a material way; adversely affecting jobs or competition; or raising novel legal or policy issues. If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic impact of the rule on small entities. FDA finds that the proposed rule does not constitute a significant rule as defined by Executive Order 12866, and finds that under the Regulatory Flexibility Act, the proposed rule will not have a significant impact on a substantial number of small entities.

The rule sets out the information that must be included in a premarket notification for a new dietary ingredient. The information must show the basis for the manufacturer's conclusion that the ingredient is expected to be safe. Because the rule deals only with the filing of information, the compliance costs are all clerical. Technical and legal costs of introducing a new dietary ingredient and ensuring its safety will be borne regardless of the proposed rule.

In the section of the document dealing with the Paperwork Reduction Act, FDA estimates that the burden to industry will be approximately 20 hours per submission. The costs per hour are estimated to be $20.50 for labor, benefits, and overhead (mainly computer time and photocopying). The cost to industry per submission is therefore estimated to be $410. In the most recent year, six new dietary ingredients appeared, which would imply an annual cost to industry of $2,460. FDA assumes that the number of new ingredients will vary, but will not be greatly different from the past year. The plausible range is estimated to be 0 to 12 new ingredients per year, for a cost range of 0 to $4,920 per year. Because industry may take several years to adjust to the DSHEA, FDA expects the number of new ingredients (and annual costs) to be closer to the high end of the range in the next few years and closer to the low end after that.

FDA is not able to quantify the benefits of this rule. The rule increases the information available to FDA for implementing and enforcing rules dealing with the new dietary ingredient provisions of the DSHEA. The benefits are therefore derived from the benefits of FDA efforts to implement the DSHEA so as to ensure that dietary ingredients do not present a significant or unreasonable risk of illness or injury.

Under the Regulatory Flexibility Act, FDA must consider the effects of the proposed rule on small businesses. The Small Business Administration (SBA) does not define ''small'' for the dietary supplement industry. The industry's products, for the most part, come closest to being included in the Commerce Department's industry categories of Food Preparations N.E.C. (not elsewere classified) (Standard Industrial Classification code 2099) and Medicinal Chemicals and Botanical Products (Standard Industrial Classification code 2833). The SBA size standards for small are 500 or fewer employees for food preparations and 750 or fewer employees for medicinal and botanical products. According to either size standard, the majority of firms in the dietary supplement industry would be classified as small businesses. The total number of businesses affected by the proposed rule will be small—no more than the number of new ingredients (estimated to be 0 to 12 per year). FDA cannot determine, before the event, the sizes of firm that introduce new dietary ingredients—small businesses could introduce all new ingredients or none. The annual number of small businesses potentially affected by the proposed rule will therefore be the same as the annual number of new ingredients: 0 to 12. The effect, as shown above, will be small—approximately $410 per submission. FDA concludes that the proposed rule will not have a significant economic effect on a substantial number of small businesses.

V. Paperwork Reduction Act

This proposed rule contains information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). Therefore, in accordance with 5 CFR 1320, the title, description, and respondent description of the proposed collection of information requirements are shown below with an estimate of the annual collection and information burden. Included in the estimate is the time for assembling existing data sources, gathering necessary information, and completing and submitting the premarket notification.

FDA is interested in receiving comments that: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the

burden of the proposed collection of information; (3) evaluate 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 automated collection techniques or other forms of information technology.

Title: Dietary supplements; dietary ingredients; premarket notification.

Description: FDA is proposing a regulation requiring the submission to the agency of information that is the basis on which a manufacturer or distributor of a new dietary ingredient or a dietary supplement containing a new dietary ingredient has concluded that the dietary supplement containing such dietary ingredient will reasonably be expected to be safe. This information must be submitted to the agency at least 75 days before the first commercial distribution of a dietary supplement containing a new dietary ingredient. FDA will review the submitted information to determine whether the submission meets the requirements of section 413 of the act. The agency is proposing to establish 21 CFR part 190 as the procedural regulations for this program. This proposal provides details of the administrative procedures associated with the submission and identifies the information that must be included in the submission in order to meet the requirements of section 413 of the act and to show the basis on which a manufacturer or distributor of a new dietary ingredient or of a dietary supplement that contains a new dietary ingredient has concluded that the dietary supplement containing such dietary ingredient will reasonably be expected to be safe.

Description of Respondents: Businesses or other for-profit organizations.

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Hours per Response	Total Hours
190.6	6	1	20	120
Total	.....	.....	.....	120

The agency believes that there will be minimal burden on the industry to generate data to meet the requirements of the premarket notification program, because the agency is requesting only that information that the manufacturer or distributor should already be developing to satisfy itself that a dietary supplement containing a new dietary ingredient is in full compliance with the act. However, the agency estimates that extracting and summarizing the relevant information from the company's files, and presenting it in a format that will meet the requirements of section 413 of the act, will require a burden of approximately 20 hours of work per submission.

The agency has submitted to OMB copies of this proposed rule for its review of this information collection requirement. Interested persons are requested to submit comments regarding the collection of information requirements to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503. Attn: FDA Desk Officer.

VI. Comments

Interested persons may, on or before December 26, 1996, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comment are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 190

Food ingredients, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drug, it is proposed that title 21 CFR chapter I be amended by adding new part 190 to read as follows:

PART 190—DIETARY SUPPLEMENTS

Authority: Secs. 201(ff), 301, 402, 413, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff), 331, 342, 371).

§ 190.6 Requirement for premarket notification.

(a) At least 75 days before introducing or delivering for introduction into interstate commerce a dietary supplement that contains a new dietary ingredient, the manufacturer or distributor of that supplement, or of the new dietary ingredient, shall submit to the Office of Special Nutritionals (HFS–450), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 202004, information, including any citation to published articles, that is the basis on which the manufacturer or distributor has concluded that the dietary supplement will reasonably be expected to be safe. An original and two copies of this notification shall be submitted.

(b) The notification required by paragraph (a) of this section shall include:

(1) The name and complete address of the manufacturer or distributor of the dietary supplement that contains a new dietary ingredient, or of the new dietary ingredient;

(2) The name of the new dietary ingredient that is the subject of the premarket notification, including the Latin binomial name (including the author) of any herb or other botanical;

(3) A description of the dietary supplement or dietary supplements that contain the new dietary ingredient including:

(i) The level of the new dietary ingredient in the dietary supplement; and

(ii) The conditions of use recommended or suggested in the labeling of the dietary supplement, or if no conditions of use are recommended or suggested in the labeling of the dietary supplement, the ordinary conditions of use of the supplement;

(4) The history of use or other evidence of safety establishing that the dietary ingredient, when used under the conditions recommended or suggested in the labeling of the dietary supplement, will reasonably be expected to be safe, including any citation to published articles or other evidence that is the basis on which the distributor or manufacturer of the dietary supplement that contains the new dietary ingredient has concluded that the new dietary supplement will

reasonably be expected to be safe. Any reference to published information offered in support of the notification shall be accompanied by reprints or photostatic copies of such references. If any part of the material submitted is in a foreign language, it shall be accompanied by an accurate and complete English translation; and

(5) The signature of an authorized official of the manufacturer or distributor of the dietary supplement that contains the new dietary ingredient.

(c) The date that the agency receives the notification submitted under paragraph (a) of this section is the filing date for the notification. For 75 days after the filing date, the manufacturer or distributor of a dietary supplement that contains a new dietary ingredient shall not introduce, or deliver for introduction, into interstate commerce the dietary supplement that contains the new dietary ingredient.

(d) If the manufacturer or distributor of a dietary supplement that contains a new dietary ingredient, or of the new dietary ingredient, provides additional information in support of the new dietary ingredient notification, the date of receipt by FDA of the additional information in support of the new dietary ingredient notification shall constitute the filling date.

(e) FDA will not disclose the existence of, or the information contained in, the new dietary ingredient notification for 90 days after the filing date of the notification. After the 90th day, all information in the notification will be placed on public display, except for any information that is trade secret or otherwise confidential commercial information.

(f) Failure of the agency to respond to a notification does not constitute a finding by the agency that the new dietary ingredient or the dietary supplement that contains the new dietary ingredient is safe or is not adulterated under section 402 of the act.

Dated: September 19, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 96–24752 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–209826–96]

RIN 1545–AU29

Application of the Grantor Trust Rules to Nonexempt Employees' Trusts

AGENCY: Internal Revenue Service (IRS), Treasury.

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

SUMMARY: This document contains proposed regulations relating to the application of the grantor trust rules to nonexempt employees' trusts. The proposed regulations clarify that the grantor trust rules generally do not apply to domestic nonexempt employees' trusts, and clarify the interaction between the grantor trust rules, the rules generally governing the taxation of nonqualified deferred compensation arrangements, and the antideferral rules for United States persons holding interests in foreign entities. The proposed regulations affect nonexempt employees' trusts funding deferred compensation arrangements, as well as U.S. persons holding interests in certain foreign corporations and foreign partnerships with deferred compensation arrangements funded through foreign nonexempt employees' trusts. In addition, the proposed regulations affect U.S. persons that have deferred compensation arrangements funded through certain foreign nonexempt employees' trusts. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments must be received by December 26, 1996. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for January 15, 1997, at 10:00 a.m. must be submitted by December 24, 1996.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–209826–96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–209826–96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/prod/tax__regs/comments.html.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, James A. Quinn, (202) 622–3060; Linda S. F. Marshall, (202) 622–6030; Kristine K. Schlaman (202) 622–3840; and M. Grace Fleeman (202) 622–3850; concerning submissions and the hearing, Michael Slaughter, (202) 622–7190 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224. Comments on the collection of information should be received by November 26, 1996. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collection of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

The collection of information in this proposed regulation is in § 1.671–1(h)(3)(iii). This information is required by the IRS to determine accurately the portion of certain foreign employees' trusts properly treated as owned by the employer. This information will be used to notify the Commissioner that certain

entities are relying on an exception for reasonable funding. The collection of information is mandatory. The likely respondents are businesses or other for-profit organizations.

Estimated total annual reporting burden: 1,000 hours.

The estimated annual burden per respondent varies from .5 hours to 1.5 hours, depending on individual circumstances, with an estimated average of 1 hour.

Estimated number of respondents: 1,000.

Estimated annual frequency of responses: On occasion.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

On May 7, 1993, the IRS issued proposed regulations under section 404A (58 FR 27219). The section 404A proposed regulations provide that section 404A is the exclusive means by which an employer may take a deduction or reduce earnings and profits for amounts used to fund deferred compensation in situations other than those in which a deduction or reduction of earnings and profits is permitted under section 404 (the ''exclusive means'' rule).

The section 404A proposed regulations do not provide rules regarding the treatment of income and ownership of assets of foreign trusts established to fund deferred compensation arrangements, but refer to ''other applicable provisions,'' including the grantor trust rules of subpart E of the Internal Revenue Code of 1986, as amended. Thus, the 1993 proposed section 404A regulations imply that, if an employer cannot or does not elect section 404A treatment for a foreign trust established to fund the employer's deferred compensation arrangements, the employer may be treated as the owner of the entire trust for purposes of subtitle A of the Code under sections 671 through 679 even though all or part of the trust assets are set aside for purposes of satisfying liabilities under the plan. Conversely, some commentators believe that, for U.S. tax purposes, a foreign employer would not be treated as the owner of any portion of a foreign trust established to fund a section 404A qualified foreign plan even though all or part of the trust assets might be used for purposes other than satisfying liabilities under the plan. A number of different rules, in addition to the grantor trust rules, potentially affect the taxation of foreign trusts established to fund deferred compensation arrangements. These rules include: the nonexempt deferred compensation trust rules of sections 402(b) and 404(a)(5); the partnership rules of subchapter K; and the antideferral rules, which include subpart F and the passive foreign investment company (PFIC) rules (sections 1291 through 1297).

Following publication of the proposed 1993 regulations and enactment of section 956A in August of 1993, comments were received concerning both the asset ownership rules for foreign employees' trusts and the ''exclusive means'' rule for deductions or reductions in earnings and profits. These proposed regulations address only comments concerning income and asset ownership rules for foreign employees' trusts for federal income tax purposes. A foreign employees' trust is a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is a foreign trust within the meaning of section 7701(a)(31). Comments concerning the ''exclusive means'' rule will be addressed in future regulations.

Statutory Background

1. Transfers of Property Not Complete for Tax Purposes

In certain situations, assets that are owned by a trust as a legal matter may be treated as owned by another person for tax purposes. Thus, assets may be treated as owned by a pension trust for non-tax legal purposes but not for tax purposes. This occurs, for example, if the person who has purportedly transferred assets to the trust retains the benefits and burdens of ownership. *See, e.g., Frank Lyon Co.* v. *United States,* 435 U.S. 561 (1978); *Corliss* v. *Bowers,* 281 U.S. 376 (1930); *Grodt & McKay Realty, Inc.* v. *Commissioner,* 77 T.C. 1221 (1981); Rev. Proc. 75–21 (1975–1 C.B. 715). If, under these principles, no assets have been transferred to an employees' trust for federal tax purposes, these proposed regulations do not apply.

2. Subpart E—Grantors and Others Treated as Substantial Owners

Even if there has been a completed transfer of trust assets, the subpart E rules may apply to treat the grantor as the owner of a portion of the trust for federal income tax purposes. Subpart E of part I of subchapter J, chapter 1 of the Code (sections 671 through 679) taxes income of a trust to the grantor or another person notwithstanding that the grantor or other person may not be a beneficiary of the trust. Under section 671, a grantor or another person includes in computing taxable income and credits those items of income, deduction, and credit against tax that are attributable to or included in any portion of a trust of which that person is treated as the owner.

Sections 673 through 679 set forth the rules for determining when the grantor or another person is treated as the owner of a portion of a trust for federal income tax purposes. Under sections 673 through 678, the grantor trust rules apply only if the grantor or other person has certain powers or interests. For example, section 676 provides that the grantor is treated as the owner of a portion of a trust where, at any time, the power to revest in the grantor title to that portion is exercisable by the grantor or a nonadverse party, or both. A grantor who is the owner of a trust under subpart E is treated as the owner of the trust property for federal income tax purposes. See Rev. Rul. 85–13 (1985–1 C.B. 184). This document is made available by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Section 679 generally applies to a U.S. person who directly or indirectly transfers property to a foreign trust, subject to certain exceptions described below. Section 679 generally treats a U.S. person transferring property to a foreign trust as the owner of the portion of the trust attributable to the transferred property for any taxable year of that person for which there is a U.S. beneficiary of any portion of the trust. In general, a trust is treated as having a U.S. beneficiary for a taxable year of the U.S. transferor unless, under the terms of the trust, no part of the income or corpus of the trust may be paid or accumulated during the taxable year to or for the benefit of a U.S. person, and unless no part of the income or corpus of the trust could be paid to or for the benefit of a U.S. person if the trust were terminated at any time during the taxable year. A U.S. person is treated as having made an indirect transfer to the foreign trust of property if a non-U.S. person acts as a conduit with respect to the transfer or if the U.S. person has sufficient control over the non-U.S. person to direct the transfer by the non-U.S. person rather than itself.

Section 679(a) provides several exceptions from the application of section 679 for certain compensatory trusts. Under these exceptions, section 679 does not apply to a trust described in section 404(a)(4) or section 404A. Pursuant to amendments made in section 1903(b) of the Small Business Job Protection Act of 1996 (SBJPA), section 679 also does not apply to any transfer of property after February 6, 1995, to a trust described in section 402(b).

3. Taxability of Beneficiary of Nonexempt Employees' Trust

Section 402(b) provides rules for the taxability of beneficiaries of a nonexempt employees' trust. Under section 402(b)(1), employer contributions to a nonexempt employees' trust generally are included in the gross income of the employee in accordance with section 83. Section 402(b)(2) provides that amounts distributed or made available from a nonexempt employees' trust generally are taxable to the distributee under the rules of section 72 in the taxable year in which distributed or made available. Section 402(b)(4) provides that, under certain circumstances, a highly compensated employee is taxed each year on the employee's vested accrued benefit (other than the employee's investment in the contract) in a nonexempt employees' trust. Under section 402(b)(3), a beneficiary of a nonexempt employees' trust generally is not treated as the owner of any portion of the trust under subpart E. The rules of section 402(b) apply to a beneficiary of a nonexempt employees' trust regardless of whether the trust is a domestic trust or a foreign trust.

4. Employer Deduction for Contributions to a Nonexempt Employees' Trust

Section 404(a)(5) provides rules regarding the deductibility of contributions to a nonqualified deferred compensation plan. Under section 404(a)(5), any contribution paid by an employer under a deferred compensation plan, if otherwise deductible under chapter 1 of the Code, is deductible only in the taxable year in which an amount attributable to the contribution is includible in the gross income of employees participating in the plan, and only if separate accounts are maintained for each employee. Section 1.404(a)–12(b)(1) clarifies that an employer's deduction for contributions to a nonexempt employees' trust is restricted to the amount of the contribution, and excludes any income received by the trust with respect to contributed amounts.

5. The Partnership Rules of Subchapter K

A partnership is not subject to income taxation. However, a partner must take into account separately on its return its distributive share of the partnership's income, gain, loss, deduction, or credit. A U.S. partner of a foreign partnership is subject to U.S. tax on its distributive share of partnership income. In addition, a foreign partnership may have a controlled foreign corporation (CFC) partner which must take into account its distributive share of partnership income, gain, loss, or deduction in determining its taxable income. These distributive share inclusions of the CFC may result in subpart F income and thus income to a U.S. shareholder of the CFC. If the grantor trust rules do not apply to any portion of a foreign employees' trust, a foreign partnership could fund a foreign employees' trust in excess of the amount needed to meet its obligations to its employees under its deferred compensation plan and yet retain control over the excess amount. As a result, the foreign partnership would not have to include items in taxable income attributable to the excess amount, and consequently the U.S. partner or CFC would not have to include those items in its income.

6. The Antideferral Rules of Subpart F, Including Section 956A, and PFIC

A U.S. person that owns stock in a foreign corporation generally pays no U.S. tax currently on income earned by the foreign corporation. Instead, the United States defers taxation of that income until it is distributed to the U.S. person. The antideferral rules, however, which include subpart F and the PFIC rules, limit this deferral in certain situations.

Subpart F of part III of Subchapter N (sections 951 through 964) applies to CFCs. A foreign corporation is a CFC if more than 50 percent of the total voting power of all classes of stock entitled to vote, or the total value of the stock in the corporation, is owned by ''U.S. shareholders'' (defined as U.S. persons who own ten percent or more of the voting power of all classes of stock entitled to vote) on any day during the foreign corporation's taxable year. The United States generally taxes U.S. shareholders of the CFC currently on their pro rata share of the CFC's subpart F income and sections 956 and 956A amounts. In effect, the U.S. shareholders are treated as having received a distribution out of the earnings and profits (E&P) of the CFC.

The types of income earned by a foreign employees' trust (dividends, interest, income equivalent to interest, rents and royalties, and annuities) are generally subpart F income. The inclusion under section 956 is based on the CFC's investment in U.S. property, which generally includes stock of a U.S. shareholder of the CFC. A U.S. shareholder's section 956A amount for a taxable year is the lesser of two amounts. The first amount is the excess of the U.S. shareholder's pro rata share of the CFC's ''excess passive assets'' over the portion of the CFC's E&P treated as previously included in gross income by the U.S. shareholder under section 956A. For purposes of section 956A, ''passive asset'' includes any asset which produces (or is held for the production of) passive income, and generally includes property that produces dividends, interest, income equivalent to interest, rents and royalties, and annuities, subject to exceptions that generally are not relevant in this context. The second amount is the U.S. shareholder's pro rata share of the CFC's ''applicable earnings'' to the extent accumulated in taxable years beginning after September 30, 1993.

Section 1501(a)(2) of SBJPA repeals section 956A. The repeal is effective for taxable years of foreign corporations beginning after December 31, 1996, and for taxable years of U.S. shareholders with or within which such taxable years of foreign corporations end.

If a CFC employer is not treated for federal income tax purposes as the owner of any portion of a foreign employees' trust under the grantor trust rules, then to the extent that passive assets contributed by a CFC to a nonexempt employees' trust would otherwise result in subpart F consequences for the CFC and its shareholders, the CFC's contribution could allow those consequences to be avoided. For example, a contribution by a CFC of passive assets to its foreign employees' trust could reduce the CFC's subpart F earnings and profits, and its applicable earnings or passive assets for section 956A purposes, and could affect the CFC's increase in investment in U.S. property for purposes of section 956, all of which could affect a U.S. shareholder's pro rata subpart F inclusions for the taxable year.

In contrast to the subpart F rules, the PFIC rules apply to any U.S. person who directly or indirectly owns any stock in a foreign corporation that is a PFIC under either an income or asset test. A foreign corporation, including a CFC, is

a PFIC if either (1) 75 percent or more of its gross income for the taxable year is passive income or (2) at least 50 percent of the value of the corporation's assets produce passive income or are held for the production of passive income. For this purpose, passive income generally is the same type of income (dividends, interest, income equivalent to interest, rents and royalties, and annuities) that would be earned by a foreign employees' trust.

Under the PFIC rules, a U.S. person who is a direct or indirect shareholder of a PFIC is subject to a special tax regime upon either disposition of the PFIC's stock or receipt of certain distributions (excess distributions) from the PFIC. A shareholder, however, may avoid the application of this special regime by electing to include its pro rata share of certain of the PFIC's passive income in the year in which the foreign corporation earns it.

If the grantor trust rules did not apply to any portion of a foreign employees' trust, a contribution by a foreign corporation of passive assets to a nonexempt employees' trust would enable a U.S. person to avoid the PFIC rules if those assets would otherwise generate PFIC consequences for the foreign corporation and its shareholders. For example, by transferring passive assets to its nonexempt employees' trust in excess of the amount needed to meet obligations to its employees under its deferred compensation plan while retaining control over the excess amount, a foreign corporation could divest itself of a sufficient amount of passive assets and the passive income they produce to avoid meeting the income and asset tests. Furthermore, a foreign corporation that is a PFIC could minimize income inclusions for a U.S. shareholder that has made an election to include PFIC income currently by transferring income-producing assets to a foreign employees' trust.

Overview of Proposed Regulations

Under the proposed regulations, an employer is not treated as an owner of any portion of a domestic nonexempt employees' trust described in section 402(b) for federal income tax purposes. Section 404(a)(5) and § 1.404(a)–12(b) provide a deduction to the employer solely for contributions to a nonexempt employees' trust, and not for any income of the trust. This rule is inconsistent with treating the employer as owning any portion of a nonexempt employees' trust, which would require the employer to recognize the trust's income that it may not deduct under section 404(a)(5). Accordingly, such a trust is treated as a separate taxable trust that is taxed under the rules of section 641 et seq. The rule in the proposed regulations is consistent with the holdings of a number of private letter rulings with respect to nonexempt employees' trusts and with the Service's treatment of trusts that no longer qualify as exempt under 501(a) (because they are no longer described in section 401(a)) as separate taxable trusts rather than as grantor trusts. See also Rev. Rul. 74–299 (1974–1 C.B. 154). This document is made available by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Under the proposed regulations, an employer generally is not treated as the owner of any portion of a foreign nonexempt employees' trust for federal income tax purposes, except as provided under section 679. The proposed regulations, however, also provide that the grantor trust rules apply to determine whether an employer that is a CFC or a U.S. employer is treated as the owner of a specified ''fractional interest'' in a foreign employees' trust. This rule applies whether or not the employer elects section 404A treatment for the trust. Under the proposed regulations, this rule also applies in the case of an employer that is a foreign partnership with one or more partners that are U.S. persons or CFCs (U.S.-related partnership). Such an employer is treated as the owner of a portion of a foreign employees' trust under these proposed regulations only if the employer retains a grantor trust power or interest over a foreign employees' trust and has a specified ''fractional interest'' in the trust.

Under these proposed regulations, the grantor trust rules of subpart E do not apply to a foreign employees' trust with respect to a foreign employer other than a CFC or a U.S.-related foreign partnership, except for cases in which assets are transferred to a foreign employees' trust with a principal purpose of avoiding the PFIC rules. The IRS and Treasury will continue to consider whether these regulations should provide additional antiabuse rules that may be necessary for other purposes, including for purposes of calculating earnings and profits, determining the foreign tax credit limitation, and applying the interest allocation rules of § 1.882–5.

Explanation of Provisions

1. § 1.671–1(g): Domestic Nonexempt Employees' Trusts

The proposed regulations provide that an employer is not treated for federal income tax purposes as an owner of any portion of a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is not a foreign trust within the meaning of section 7701(a)(31), regardless of whether the employer has a power or interest described in sections 673 through 677 over any portion of the trust. This rule is analogous to the rule set forth in § 1.641(a)–0, which provides that subchapter J, including the grantor trust rules, does not apply to tax-exempt employees' trusts.

2. § 1.671–1(h): Subpart E Rules for Certain Foreign Employees' Trusts

The proposed regulations provide Subpart E rules for foreign employees' trusts of CFCs, foreign partnerships, and U.S. employers that apply for all federal income tax purposes. Under the proposed regulations, except as provided under section 679 or the proposed regulations (as described below), an employer is not treated as an owner of any portion of a foreign employees' trust for federal income tax purposes. If an employer is treated as the owner of a portion of a foreign employees' trust for federal income tax purposes as described below, then the employer is considered to own the trust assets attributable to that portion of the trust for all federal income tax purposes. Thus, for example, if an employer is treated as the owner of a portion of a foreign employees' trust for federal income tax purposes as described below, then income of the trust that is attributable to that portion of the trust increases the employer's earnings and profits for purposes of sections 312 and 964.

A foreign employees' trust is a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is a foreign trust within the meaning of section 7701(a)(31). The proposed regulations apply to any foreign employees' trust of a CFC or U.S.-related foreign partnership, whether or not a trust funds a qualified foreign plan (as defined in section 404A(e)). The proposed regulations clarify that the income inclusion and asset ownership rules apply to the entity whose employees or independent contractors are covered under the deferred compensation plan.

A. Plan of CFC Employer

The proposed regulations provide that, if a CFC maintains a deferred compensation plan funded through a foreign employees' trust, then, with respect to the CFC, the provisions of subpart E apply to the portion of the

trust that is the fractional interest of the trust described in the proposed regulations.

B. Plan of U.S. Employer

The proposed regulations provide that if a U.S. person maintains a deferred compensation plan funded through a foreign employees' trust, then, with respect to the U.S. person, the provisions of subpart E apply to the portion of the trust that is the fractional interest of the trust described in the proposed regulations.

C. Plan of U.S.-Related Foreign Partnership Employer

The proposed regulations provide that, if a U.S.-related foreign partnership maintains a deferred compensation plan funded through a foreign employees' trust, then, with respect to the U.S.-related foreign partnership, the provisions of subpart E apply to the portion of the trust that is the fractional interest of the trust described in the proposed regulations. The IRS and Treasury solicit comments on whether these regulations should provide a safe harbor rule for a U.S.-related foreign partnership that maintains a deferred compensation plan funded through a foreign employees' trust if U.S. or CFC partnership interests are de minimis. The IRS and Treasury specifically solicit comments concerning the amount of U.S. or CFC partnership interests that would qualify as ''de minimis.''

D. Plan of Non-CFC Foreign Employer

The proposed regulations provide that a foreign employer that is not a CFC is treated as an owner of a portion of a foreign employees' trust only as provided in the antiabuse rule of § 1.1297–4.

E. Fractional Interest

The fractional interest of a foreign employees' trust described above is defined in the proposed regulations as an undivided fractional interest in the trust for which the fraction is equal to the relevant amount determined for the employer's taxable year divided by the fair market value of trust assets determined for the employer's taxable year.

F. Relevant Amount

The relevant amount for the employer's taxable year is defined in the proposed regulations as the amount, if any, by which the fair market value of trust assets, plus the fair market value of any assets available to pay plan liabilities (including any amount held under an annuity contract that exceeds the amount that is needed to satisfy the liabilities provided for under the contract) that are held in the equivalent of a trust within the meaning of section 404A(b)(5)(A), exceed the plan's accrued liability, determined using a projected unit credit funding method.

The relevant amount is reduced to the extent the taxpayer demonstrates to the Commissioner that the relevant amount is attributable to amounts that were properly contributed to the trust pursuant to a reasonable funding method, or experience that is favorable relative to any actuarial assumptions used that the Commissioner determines to be reasonable. In addition, if an employer that is a controlled foreign corporation otherwise would be treated as the owner of a fractional interest in a foreign employees' trust, the taxpayer may rely on this rule only if it so indicates on a statement attached to a timely filed Form 5471. The IRS and Treasury solicit comments regarding the most appropriate way in which to extend a filing requirement to partners in U.S.-related foreign partnerships and other affected taxpayers.

G. Plan's Accrued Liability

Under the proposed regulations, the plan's accrued liability for a taxable year of the employer is computed as of the plan's measurement date for the employer's taxable year. The plan's accrued liability is determined using a projected unit credit funding method, taking into account only liabilities relating to services performed for the employer or a predecessor employer. In addition, the plan's accrued liability is reduced (but not below zero) by any liabilities that are provided for under annuity contracts held to satisfy plan liabilities.

Because CFCs generally are required to determine their taxable income by reference to U.S. tax principles, the definition of a plan's ''accrued liability'' refers to § 1.412(c)(3)–1. This definition generally is intended to track the method used for calculating pension costs under Statement of Financial Accounting Standards No. 87, Employers' Accounting for Pensions (FAS 87), available from the Financial Accounting Standards Board, 401 Merritt 7, Norwalk, CT 06856. Under the method required to be used to calculate FAS 87's projected benefit obligation (PBO), plan costs are based on projected salary levels. Because many taxpayers already compute PBO annually to determine the pension costs of their nonexempt employees' trusts for financial reporting, the timing, interval and method to compute plan liabilities under § 1.671–1(h) should minimize taxpayer burden. The IRS and Treasury solicit comments regarding the extent to which the proposed regulations conform to existing procedures under FAS 87 and applicable foreign law, and regarding appropriate conforming adjustments.

H. Fair Market Value of Trust Assets

Under the proposed regulations, for a taxable year of the employer, the fair market value of trust assets, and the fair market value of retirement annuities or other assets held in the equivalent of a trust, equals the fair market value of those assets, as of the measurement date for the employer's taxable year. The fair market value of these assets is adjusted to include contributions made between the measurement date and the end of the employer's taxable year.

I. De Minimis Exception

The proposed regulations provide an exception to the general rule for determining the relevant amount. If the relevant amount would not otherwise be greater than the plan's normal cost for the plan year ending with or within the employer's taxable year, then the relevant amount is considered to be zero.

J. Proposed Effective Date and Transition Rules

The proposed regulations are proposed to be prospective. For taxable years ending prior to September 27, 1996, employers generally would not be treated for federal income tax purposes as owning the assets of foreign nonexempt employees' trusts (except as provided under section 679), consistent with the rules applying to domestic nonexempt employees' trusts. A transition rule, for purposes of § 1.671–1(h), exempts certain amounts from the application of the proposed regulations. This exemption is phased out over a ten-year period. There is a special transition rule for any foreign corporation that becomes a CFC after September 27, 1996. In addition, there is a special transition rule for certain entities that become U.S.-related foreign partnerships after September 27, 1996.

3. § 1.671–2: General Asset Ownership Rules

The proposed regulations provide that a person who is treated as the owner of any portion of a trust under subpart E is considered to own the trust assets attributable to that portion of the trust for all federal income tax purposes.

4. § 1.1297–4: Subpart E Rules for Foreign Employers That Are Not Controlled Foreign Corporations

Under the proposed regulations, a foreign employer other than a CFC is not treated as the owner of any portion of a foreign nonexempt employees' trust for purposes of sections 1291 through 1297, except for cases in which a principal purpose for transferring property to the trust is to avoid classification of a foreign corporation as a PFIC (as defined in section 1296) or, if the foreign corporation is classified as a PFIC, in cases in which a principal purpose for transferring property to the trust is to avoid or to reduce taxation of U.S. shareholders of the PFIC under section 1291 or 1293. The effective date of this rule is September 27, 1996.

Income Inclusion and Related Asset Ownership Rules for Foreign Welfare Benefit Plans

The IRS and Treasury solicit comments on the need for (and content of) income inclusion and asset ownership rules for foreign welfare benefit trusts.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations will primarily affect U.S. owners of significant interests in foreign entities, which owners generally are large multinational corporations. This certification is also based on the fact that the burden imposed by the collection of information in the regulation, which is a requirement that certain entities may rely on an exception for reasonable funding only if they indicate such reliance on a statement attached to a timely filed Form 5471, is minimal, and, therefore, the collection of information will not impose a significant economic impact on such entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

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

A public hearing has been scheduled for January 15, 1997, at 10:00 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

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

Persons that wish to present oral comments at the hearing must submit written comments by December 26, 1996, and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by December 24, 1996.

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

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

Drafting Information

The principal authors of these regulations are James A. Quinn of the Office of Assistant Chief Counsel (Passthroughs and Special Industries), Linda S. F. Marshall of the Office of Associate Chief Counsel (Employee Benefits and Exempt Organizations), and Kristine K. Schlaman and M. Grace Fleeman of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

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

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by removing the entry for sections 1.1291–10T, 1.1294–1T, 1.1295–1T, and 1.1297–3T and adding entries in numerical order to read as follows:

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

Section 1.671–1 also issued under 26 U.S.C. 404A(h) and 672(f)(2)(B). * * *

Section 1.1291–10T also issued under 26 U.S.C. 1291(d)(2).

Section 1.1294–1T also issued under 26 U.S.C. 1294.

Section 1.1295–1T also issued under 26 U.S.C. 1295.

Section 1.1297–3T also issued under 26 U.S.C. 1297(b)(1).

Section 1.1297–4 also issued under 26 U.S.C. 1297(f). * * *

Par. 2. Section 1.671–1 is amended by adding paragraphs (g) and (h) to read as follows:

§ 1.671–1 Grantors and others treated as substantial owners; scope.

* * * * *

(g) *Domestic nonexempt employees' trust*—(1) *General rule.* An employer is not treated as an owner of any portion of a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is not a foreign trust within the meaning of section 7701(a)(31), regardless of whether the employer has a power or interest described in sections 673 through 677 over any portion of the trust. See section 402(b)(3) and § 1.402(b)–1(b)(6) for rules relating to treatment of a beneficiary of a nonexempt employees' trust as the owner of a portion of the trust.

(2) *Example.* The following example illustrates the rules of paragraph (g)(1) of this section:

Example. Employer X provides nonqualified deferred compensation through Plan A to certain of its management employees. Employer X has created Trust T to fund the benefits under Plan A. Assets of Trust T may not be used for any purpose other than to satisfy benefits provided under Plan A until all plan liabilities have been satisfied. Trust T is classified as a trust under § 301.7701–4 of this chapter, and is not a foreign trust within the meaning of section 7701(a)(31). Under § 1.83–3(e), contributions to Trust T are considered transfers of property to participants within the meaning of section 83. On these facts, Trust T is a nonexempt employees' trust described in section 402(b). Because Trust T is a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is not a foreign trust within the meaning of section 7701(a)(31), Employer X is not treated as an owner of any portion of Trust T.

(h) *Foreign employees' trust*—(1) *General rules.* Except as provided under section 679 or as provided under this paragraph (h)(1), an employer is not treated as an owner of any portion of a foreign employees' trust (as defined in paragraph (h)(2) of this section), regardless of whether the employer has a power or interest described in sections

673 through 677 over any portion of the trust.

(i) *Plan of CFC employer.* If a controlled foreign corporation (as defined in section 957) maintains a deferred compensation plan funded through a foreign employees' trust, then, with respect to the controlled foreign corporation, the provisions of subpart E apply to the portion of the trust that is the fractional interest described in paragraph (h)(3) of this section.

(ii) *Plan of U.S. employer.* If a United States person (as defined in section 7701(a)(30)) maintains a deferred compensation plan that is funded through a foreign employees' trust, then, with respect to the U.S. person, the provisions of subpart E apply to the portion of the trust that is the fractional interest described in paragraph (h)(3) of this section.

(iii) *Plan of U.S.-related foreign partnership employer*—(A) *General rule.* If a U.S.-related foreign partnership (as defined in paragraph (h)(1)(iii)(B) of this section) maintains a deferred compensation plan funded through a foreign employees' trust, then, with respect to the U.S.-related foreign partnership, the provisions of subpart E apply to the portion of the trust that is the fractional interest described in paragraph (h)(3) of this section.

(B) *U.S.-related foreign partnership.* For purposes of this paragraph (h), a U.S.-related foreign partnership is a foreign partnership in which a U.S. person or a controlled foreign corporation owns a partnership interest either directly or indirectly through one or more partnerships.

(iv) *Application of § 1.1297–4 to plan of foreign non-CFC employer.* A foreign employer that is not a controlled foreign corporation may be treated as an owner of a portion of a foreign employees' trust as provided in § 1.1297–4.

(v) *Application to employer entity.* The rules of paragraphs (h)(1)(i) through (h)(1)(iv) of this section apply to the employer whose employees benefit under the deferred compensation plan funded through a foreign employees' trust, or, in the case of a deferred compensation plan covering independent contractors, the recipient of services performed by those independent contractors, regardless of whether the plan is maintained through another entity. Thus, for example, where a deferred compensation plan benefitting employees of a controlled foreign corporation is funded through a foreign employees' trust, the controlled foreign corporation is considered to be the grantor of the foreign employees' trust for purposes of applying paragraph (h)(1)(i) of this section.

(2) *Foreign employees' trust.* A foreign employees' trust is a nonexempt employees' trust described in section 402(b) that is part of a deferred compensation plan, and that is a foreign trust within the meaning of section 7701(a)(31).

(3) *Fractional interest for paragraph (h)(1)*—(i) *In general.* The fractional interest for a foreign employees' trust used for purposes of paragraph (h)(1) of this section for a taxable year of the employer is an undivided fractional interest in the trust for which the fraction is equal to the relevant amount for the employer's taxable year divided by the fair market value of trust assets for the employer's taxable year.

(ii) *Relevant amount*—(A) *In general.* For purposes of applying paragraph (h)(3)(i) of this section, and except as provided in paragraph (h)(3)(iii) of this section, the relevant amount for the employer's taxable year is the amount, if any, by which the fair market value of trust assets, plus the fair market value of any assets available to pay plan liabilities that are held in the equivalent of a trust within the meaning of section 404A(b)(5)(A), exceed the plan's accrued liability. The following rules apply for this purpose:

(*1*) The plan's accrued liability is determined using a projected unit credit funding method that satisfies the requirements of § 1.412(c)(3)–1, taking into account only liabilities relating to services performed through the measurement date for the employer or a predecessor employer.

(*2*) The plan's accrued liability is reduced (but not below zero) by any liabilities that are provided for under annuity contracts held to satisfy plan liabilities.

(*3*) Any amount held under an annuity contract that exceeds the amount that is needed to satisfy the liabilities provided for under the contract (e.g., the value of a participation right under a participating annuity contract) is added to the fair market value of any assets available to pay plan liabilities that are held in the equivalent of a trust.

(*4*) If the relevant amount as determined under this paragraph (h)(3)(ii), without regard to this paragraph (h)(3)(ii)(A)(*4*), is greater than the fair market value of trust assets, then the relevant amount is equal to the fair market value of trust assets.

(B) *Permissible actuarial assumptions for accrued liability.* For purposes of paragraph (h)(3)(ii)(A) of this section, a plan's accrued liability must be calculated using an interest rate and other actuarial assumptions that the Commissioner determines to be reasonable. It is appropriate in determining this interest rate to look to available information about rates implicit in current prices of annuity contracts, and to look to rates of return on high-quality fixed-income investments currently available and expected to be available during the period prior to maturity of the plan benefits. If the qualified business unit computes its income or earnings and profits in dollars pursuant to the dollar approximate separate transactions method under § 1.985–3, the employer must use an exchange rate that can be demonstrated to clearly reflect income, based on all relevant facts and circumstances, including appropriate rates of inflation and commercial practices.

(iii) *Exception for reasonable funding.* The relevant amount does not include an amount that the taxpayer demonstrates to the Commissioner is attributable to amounts that were properly contributed to the trust pursuant to a reasonable funding method, applied using actuarial assumptions that the Commissioner determines to be reasonable, or any amount that the taxpayer demonstrates to the Commissioner is attributable to experience that is favorable relative to any actuarial assumptions used that the Commissioner determines to be reasonable. For this paragraph (h)(3)(iii) to apply to a controlled foreign corporation employer described in paragraph (h)(1)(i) of this section, the taxpayer must indicate on a statement attached to a timely filed Form 5471 that the taxpayer is relying on this rule. For purposes of this paragraph (h)(3)(iii), an amount is considered contributed pursuant to a reasonable funding method if the amount is contributed pursuant to a funding method permitted to be used under section 412 (e.g., the entry age normal funding method) that is consistently used to determine plan contributions. In addition, for purposes of this paragraph (h)(3)(iii), if there has been a change to that method from another funding method, an amount is considered contributed pursuant to a reasonable funding method only if the prior funding method is also a funding method described in the preceding sentence that was consistently used to determine plan contributions. For purposes of this paragraph (h)(3)(iii), a funding method is considered reasonable only if the method provides for any initial unfunded liability to be amortized over a period of at least 6 years, and for any net change in accrued liability resulting from a change in

funding method to be amortized over a period of at least 6 years.

(iv) *Reduction for transition amount.* The relevant amount is reduced (but not below zero) by any transition amount described in paragraphs (h)(5), (h)(6), or (h)(7) of this section.

(v) *Fair market value of assets.* For purposes of paragraphs (h)(3) (i) and (ii) of this section, for a taxable year of the employer, the fair market value of trust assets, and the fair market value of other assets held in the equivalent of a trust within the meaning of section 404A(b)(5)(A), equals the fair market value of those assets, as of the measurement date for the employer's taxable year, adjusted to include contributions made after the measurement date and by the end of the employer's taxable year.

(vi) *Annual valuation.* For purposes of determining the relevant amount for a taxable year of the employer, the fair market value of plan assets, and the plan's accrued liability as described in paragraphs (h)(3) (ii) and (iii) of this section, and the normal cost as described in paragraph (h)(4) of this section, must be determined as of a consistently used annual measurement date within the employer's taxable year.

(vii) *Special rule for plan funded through multiple trusts.* In cases in which a plan is funded through more than one foreign employees' trust, the fractional interest determined under paragraph (h)(3)(i) of this section in each trust is determined by treating all of the trusts as if their assets were held in a single trust for which the fraction is determined in accordance with the rules of this paragraph (h)(3).

(4) *De minimis exception.* If the relevant amount is not greater than the plan's normal cost for the plan year ending with or within the employer's taxable year, computed using a funding method and actuarial assumptions as described in paragraph (h)(3)(ii) of this section or as described in paragraph (h)(3)(iii) of this section if the requirements of that paragraph are met, that are used to determine plan contributions, then the relevant amount is considered to be zero for purposes of applying paragraph (h)(3)(i) of this section.

(5) *General rule for transition amount*—(i) *General rule.* If paragraphs (h)(6) and (h)(7) of this section do not apply to the employer, the transition amount for purposes of paragraph (h)(3)(iv) of this section is equal to the preexisting amount multiplied by the applicable percentage for the year in which the employer's taxable year begins.

(ii) *Preexisting amount.* The preexisting amount is equal to the relevant amount of the trust, determined without regard to paragraphs (h)(3)(iv) and (h)(4) of this section, computed as of the measurement date that immediately precedes September 27, 1996 disregarding contributions to the trust made after the measurement date.

(iii) *Applicable percentage.* The applicable percentage is equal to 100 percent for the employer's first taxable year ending after this document is published as a final regulation in the Federal Register and prior taxable years of the employer, and is reduced (but not below zero) by 10 percentage points for each subsequent taxable year of the employer.

(6) *Transition amount for new CFCs*—(i) *General rule.* In the case of a new controlled foreign corporation employer, the transition amount for purposes of paragraph (h)(3)(iv) is equal to the pre-change amount multiplied by the applicable percentage for the year in which the new controlled foreign corporation employer's taxable year begins.

(ii) *Pre-change amount.* The pre-change amount for purposes of paragraph (h)(6)(i) is equal to the relevant amount of the trust, determined without regard to paragraphs (h)(3)(iv) and (h)(4) of this section and disregarding contributions to the trust made after the measurement date, for the new controlled foreign corporation employer's last taxable year ending before the corporation becomes a new controlled foreign corporation employer.

(iii) *Applicable percentage*—(A) *General rule.* Except as provided in paragraph (h)(6)(iii)(B) of this section, the applicable percentage is equal to 100 percent for a new controlled foreign corporation employer's first taxable year ending after the corporation becomes a controlled foreign corporation. The applicable percentage is reduced (but not below zero) by 10 percentage points for each subsequent taxable year of the new controlled foreign corporation.

(B) *Interim rule.* For any taxable year of a new controlled foreign corporation employer that ends on or before the date this document is published as a final regulation in the Federal Register, the applicable percentage is equal to 100 percent. The applicable percentage is reduced by 10 percentage points for each subsequent taxable year of the new controlled foreign corporation employer that ends after the date this document is published as a final regulation in the Federal Register.

(iv) *New CFC employer.* For purposes of paragraph (h)(6) of this section, a new controlled foreign corporation employer is a corporation that first becomes a controlled foreign corporation within the meaning of section 957 after September 27, 1996. A new controlled foreign corporation employer includes a corporation that was a controlled foreign corporation prior to, but not on, September 27, 1996 and that first becomes a controlled foreign corporation again after September 27, 1996.

(v) *Anti-stuffing rule.* Notwithstanding paragraph (h)(6)(iii) of this section, if, prior to becoming a controlled foreign corporation, a corporation contributes amounts to a foreign employees' trust with a principal purpose of obtaining tax benefits by increasing the pre-change amount, the applicable percentage with respect to those amounts is 0 percent for all taxable years of the new controlled foreign corporation employer.

(7) *Transition amount for new U.S.-related foreign partnerships*—(i) *General rule.* In the case of a new U.S.-related foreign partnership employer, the transition amount for purposes of paragraph (h)(3)(iv) of this section is equal to the pre-change amount multiplied by the applicable percentage for the year in which the new U.S.-related foreign partnership employer's taxable year begins.

(ii) *Pre-change amount.* The pre-change amount for purposes of paragraph (h)(7)(i) of this section is equal to the relevant amount of the trust, determined without regard to paragraphs (h)(3)(iv) and (h)(4) of this section and disregarding contributions to the trust made after the measurement date, for the entity's last taxable year ending before the entity becomes a new U.S.-related foreign partnership employer.

(iii) *Applicable percentage*—(A) *General rule.* Except as provided in paragraph (h)(7)(iii)(B) of this section, the applicable percentage is equal to 100 percent for a new U.S.-related foreign partnership employer's first taxable year ending after the entity becomes a new U.S.-related foreign partnership employer. The applicable percentage is reduced (but not below zero) by 10 percentage points for each subsequent taxable year of the new U.S.-related foreign partnership employer.

(B) *Interim rule.* For any taxable year of a new U.S.-related foreign partnership employer that ends on or before the date this document is published as a final regulation in the Federal Register, the applicable percentage is equal to 100 percent. The applicable percentage is reduced by 10 percentage points for each subsequent

taxable year of the new U.S.-related foreign partnership employer that ends after the date this document is published as a final regulation in the Federal Register.

(iv) *New U.S.-related foreign partnership employer.* For purposes of paragraph (h)(7) of this section, a new U.S.-related foreign partnership employer is an entity that was a foreign corporation other than a controlled foreign corporation, or that was a foreign partnership other than a U.S.-related foreign partnership, and that changes from this status to a U.S.-related foreign partnership after September 27, 1996. A new U.S.-related foreign partnership employer includes a corporation that was a U.S.-related foreign partnership prior to, but not on, September 27, 1996 and that first becomes a U.S.-related foreign partnership again after September 27, 1996.

(v) *Anti-stuffing rule.* Notwithstanding paragraph (h)(7)(iii) of this section, if, prior to becoming a new U.S.- related foreign partnership employer, an entity contributes amounts to a foreign employees' trust with a principal purpose of obtaining tax benefits by increasing the pre-change amount, the applicable percentage with respect to those amounts is 0 percent for all taxable years of the new U.S.-related foreign partnership employer.

(8) *Examples.* The following examples illustrate the rules of paragraph (h) of this section. In each example, the employer has a power or interest described in sections 673 through 677 over the foreign employees' trust, and the monetary unit is the applicable functional currency (FC) determined in accordance with section 985(b) and the regulations thereunder.

Example 1. (i) Employer X is a controlled foreign corporation (as defined in section 957). Employer X maintains a defined benefit retirement plan for its employees. Employer X's taxable year is the calendar year. Trust T, a foreign employees' trust, is the sole funding vehicle for the plan. Both the plan year of the plan and the taxable year of Trust T are the calendar year.

(ii) As of December 31, 1997, Trust T's measurement date, the fair market value (as described in paragraph (h)(3)(iv) of this section) of Trust T's assets is FC 1,000,000, and the amount of the plan's accrued liability is FC 800,000, which includes a normal cost for 1997 of FC 50,000. The preexisting amount for Trust T is FC 40,000. Thus, the relevant amount for 1997 is FC 160,000 (which is greater than the plan's normal cost for the year). Employer X's shareholder does not indicate on a statement attached to a timely filed Form 5471 that any of the relevant amount qualifies for the exception described in paragraph (h)(3)(iii) of this section. Therefore, the fractional interest for Employer X's taxable year ending on December 31, 1997, is 16 percent. Employer X is treated as the owner for federal income tax purposes of an undivided 16 percent interest in each of Trust T's assets for the period from January 1, 1997 through December 31, 1997. Employer X must take into account a 16 percent pro rata share of each item of income, deduction or credit of Trust T during this period in computing its federal income tax liability.

Example 2. Assume the same facts as in Example 1, except that Employer X's shareholder indicates on a statement attached to a timely filed Form 5471 and can demonstrate to the satisfaction of the Commissioner that, in reliance on paragraph (h)(3)(iii) of this section, FC 100,000 of the fair market value of Trust T's assets is attributable to favorable experience relative to reasonable actuarial assumptions used. Accordingly, the relevant amount for 1997 is FC 60,000. Because the plan's normal cost for 1997 is less than FC 60,000, the de minimis exception of paragraph (h)(4) of this section does not apply. Therefore, the fractional interest for Employer X's taxable year ending on December 31, 1997, is 6 percent. Employer X is treated as the owner for federal income tax purposes of an undivided 6 percent interest in each of Trust T's assets for the period from January 1, 1997, through December 31, 1997. Employer X must take into account a 6 percent pro rata share of each item of income, deduction or credit of Trust T during this period in computing its federal income tax liability.

(9) *Effective date.* Paragraphs (g) and (h) of this section apply to taxable years of an employer ending after September 27, 1996.

Par. 3. Section 1.671–2 is amended by adding paragraph (f) to read as follows:

§ 1.671–2 Applicable principles

* * * * *

(f) For purposes of subtitle A of the Internal Revenue Code, a person that is treated as the owner of any portion of a trust under subpart E is considered to own the trust assets attributable to that portion of the trust.

Par. 4. Section 1.1297–4 is added to read as follows:

§ 1.1297–4 Application of subpart E of subchapter J with respect to foreign employees' trusts.

(a) *General rules.* For purposes of part VI of subchapter P, chapter 1 of the Code, a foreign employer that is not a controlled foreign corporation is not treated as the owner of any portion of a foreign employees' trust (as defined in § 1.671–1(h)(2)) except as provided in this paragraph (a), regardless of whether the employer has a power or interest described in sections 673 through 677 over any portion of the trust.

(1) *Principal purpose to avoid classification as a passive foreign investment company.* If a principal purpose for a transfer of property by any person to a foreign employees' trust (as defined in § 1.671–1(h)(2)) is to avoid classification of a foreign corporation as a passive foreign investment company, then the following rule applies. If the foreign employer has a power or interest described in sections 673 through 677 over the trust, then the grantor trust rules of subpart E of part I of subchapter J, chapter 1 of the Code will apply, for purposes of part VI of subchapter P, to a fixed dollar amount in the trust that is equal to the fair market value of the property that is transferred for the purpose of avoiding classification as a passive foreign investment company. Whether a principal purpose for a transfer is the avoidance of classification as a passive foreign investment company will be determined on the basis of all of the facts and circumstances, including whether the amount of assets held by the foreign employees' trust is reasonably related to the plan's anticipated liabilities, taking into account any local law and practice relating to proper funding levels.

(2) *Principal purpose to reduce or eliminate taxation under section 1291 or 1293.* If a principal purpose for a transfer of property by any person to a foreign employees' trust (as defined in § 1.671–1(h)(2)) is to reduce or eliminate taxation under section 1291 or 1293, then the following rule applies. If the foreign employer has a power or interest described in sections 673 through 677 over the trust, then the provisions of subpart E will apply, for purposes of part VI of subchapter P, to a fixed dollar amount in the trust that is equal to the fair market value of the property transferred for the purpose of reducing or eliminating taxation under section 1291 or 1293. Whether a principal purpose for a transfer is to reduce or eliminate taxation under section 1291 or 1293 will be determined on the basis of all the facts and circumstances, including whether the amount of assets held by the foreign employees' trust is reasonably related to the plan's anticipated liabilities, taking into account any local law and practice relating to proper funding levels.

(3) *Application to employer entity.* The rules of this section apply to the employer whose employees benefit under the deferred compensation plan funded through the foreign employees' trust, or, in the case of a deferred compensation plan covering independent contractors, the recipient of services performed by those independent contractors, regardless of whether the plan is maintained through another entity. Thus, for example, where a deferred compensation plan benefitting employees of a foreign

employer that is not a controlled foreign corporation is funded through a foreign employees' trust, the foreign employer is considered to be the grantor of the foreign employees' trust for purposes of this paragraph (a).

(b) *Effective date.* This section applies to taxable years of a foreign corporation ending after September 27, 1996.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 96–24864 Filed 9–26–96; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD033–7157b; FRL–5603–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland 1990 Base Year Emission Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of establishing 1990 ozone base year emission inventories for the Maryland ozone nonattainment areas. In the Final Rules section of this Federal Register, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If 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 by October 28, 1996.

ADDRESSES: Comments may be mailed to David Arnold, Section Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 566–2182, at the EPA Region III office, or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing in the above Region III address.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title, Maryland 1990 Base Year Emission Inventory, which is located in the Rules and Regulations section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: August 21, 1996.

W. Michael McCabe,

Regional Administrator, Region III.

[FR Doc. 96–24525 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 258, 264, and 265

[FRL–5617–3]

RIN 2050–A77

Financial Assurance Mechanisms Corporate Owners and Operators of Municipal Solid Waste Landfill Facilities and Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of data availability.

SUMMARY: EPA is soliciting public comment on a document that the Agency relied upon in promulgating a notice of proposed rulemaking on October 12, 1994. The Agency inadvertently omitted the document from the rulemaking docket for part of the public comment period on the proposal. The October 12, 1994, proposal relates to financial assurance mechanisms for corporate owners and operators of municipal landfill facilities and hazardous waste treatment, storage, and disposal facilities. Today's notice provides additional time to submit comments on the missing document. Today's request for comment is limited to the issues addressed by the missing document; it does not solicit comment on other aspects of the October 12, 1994, proposal.

DATES: Written comments must be received on or before October 28, 1996.

ADDRESSES: Written comments on the document should be addressed to the docket clerk at the following address: U.S. Environmental Protection Agency, RCRA Docket (OS–305), 401 M Street SW., Washington, DC 20460. Commenters should send one original and two copies and place the docket number (F–93–FTMP–FFFFF) in the comments. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. Docket materials may be reviewed by appointment by calling (202) 260–9327. Copies of docket material may be made at no cost, with a maximum of 100 pages of material from any one regulatory docket. Additional copies are $0.15 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline at 1–800–424–9346 (in Washington, D.C., call (703) 412–9810), or Dale Ruhter (703) 308–8192, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: On October 12, 1994 EPA proposed to amend the financial assurance regulations under the Resource Conservation and Recovery Act by adding two financial assurance mechanisms to those currently available to assure closure, post-closure, or corrective action costs associated with municipal solid waste landfills under subtitle D: (1) A financial test for use by corporate owners and operators, and (2) a guarantee for use by firms that wish to guarantee the costs for an owner or operator (59 FR 51523).

In developing the Agency's proposed corporate financial test, the Agency considered an alternate financial test developed by the Meridian Corporation. The alternative test had been submitted for EPA's consideration by the National Solid Waste Management Association (NSWMA). As discussed in the October 12, 1994, proposal (59 FR at 51531), the Agency determined that the alternate financial test was not as effective in minimizing public and private costs as the Agency's previously proposed financial test (56 FR 30201, July 1, 1991). Accordingly, the Agency indicated that it would not conduct further analysis of the Meridian Corporation's alternate financial test.

The October 12, 1994, proposal indicated that the Agency had included an analysis of the Meridian Corporation's alternate financial test in the rulemaking docket. However, the analysis, Evaluation of the Meridian Report on Financial Assurance (October 4, 1989, 14 pages), had been inadvertently omitted from the rulemaking docket at the beginning of the public comment period. The Agency's analysis was placed in the docket on December 1, 1994. The public

comment period for the proposal ended on December 12, 1994.

Today's notice provides an additional thirty days to submit comments on the Agency's analysis that was missing from the docket. Today's request for comment, however, is limited to the issues addressed by the Agency's analysis; it does not solicit comment on other aspects of the October 12, 1994, proposal.

List of Subjects

40 CFR Part 258

Environmental protection, Reporting and recordkeeping requirements, Waste treatment and disposal.

40 CFR Part 264

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 265

Hazardous waste, Reporting and recordkeeping requirements.

Dated: September 16, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96–24856 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5615–4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent for partial deletion of the Lakewood Site from the national priorities list.

SUMMARY: The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete the soil unit of the Lakewood Site located in Lakewood (Pierce County), Washington, from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This partial deletion of the Lakewood Site is proposed in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995).

This proposal for partial deletion pertains to the soil unit and includes all contaminated soil/sludge on the Plaza Cleaners (a dry cleaner) property, which was the source of the soil and ground-water contamination at the Lakewood Site. A plume of contaminated ground water, resulting from former disposal practices at the dry cleaner, is treated via air stripping at the Lakewood Water District production wells. The ground-water unit will remain on the NPL, and treatment via air stripping will continue at the Lakewood Water District production wells. EPA bases its proposal to delete the soil unit at the Lakewood Site on the determination by EPA and the State of Washington Department of Ecology (Ecology), that all appropriate actions under CERCLA have been completed to protect human health, welfare and the environment related to soil contamination at the site.

DATES: EPA will accept comments concerning its proposal for partial deletion for thirty (30) days after publication of this document in the Federal Register and a newspaper of record.

ADDRESSES: Comments may be mailed to: Ms. Ann Williamson, Superfund Site Manager, U.S. EPA, Region 10 (M/S ECL–113), 1200 Sixth Avenue, Seattle, Washington 98101, 1–800–424–4372 or (206) 553–2739.

INFORMATION REPOSITORIES: Comprehensive information on the Lakewood Site as well as information specific to this proposed partial deletion is available for review at EPA's Region 10 office in Seattle, Washington, and at the information repositories listed below. Since this site predates the Superfund Amendments and Reauthorization Act (SARA), no Administrative Record exists; however, the Site File and the Deletion Docket for this partial deletion are maintained at EPA Region 10's Regional Office Superfund Records Center, 1200 Sixth Avenue, Seattle, Washington 98101. The Record Center's hours of operation are 8:30–4:30 p.m., Monday–Friday, and the Records Center staff can be reached at (206) 553–4494.

Other information repositories where the Deletion Docket is available for public review include:

Lakewood Library, 6300 Wildaire Road Southwest, Tacoma, Washington

Tacoma Public Library, 1102 Tacoma Avenue, Northwest Room, Tacoma, Washington.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, 206–553–2739.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete a portion of the Lakewood Site, located in Lakewood (Pierce County), Washington, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposal. This proposal for partial deletion pertains to the soil unit, and includes all contaminated soil/sludge on the Plaza Cleaners (a dry cleaner) property, which was the source of the soil and ground-water contamination at the site. A plume of contaminated ground water, resulting from former disposal practices at the dry cleaner, is treated via air stripping at the Lakewood Water District production wells. The primary contaminant in soil was perchloroethylene (PERC). The soil unit was confined to an area on the Plaza Cleaners property. The site boundary, including the plume of contaminated ground water, is predominantly residential to the north of the Burlington Northern Railroad tracks and commercial/light industrial along the Pacific Highway. Lakewood Water District's two production wells are located on a fenced site immediately south of Plaza Cleaners, across Interstate 5. Residential property lies to the east, and McChord Air Force Base to the southeast of the wells.

In July 1981, EPA sampled drinking water wells in the Tacoma area for contamination by volatile organic compounds. The tests indicated that the Lakewood Water District production wells, H1 and H2, were contaminated with trichloroethylene (TCE), tetrachloroethylene (PERC), and cis-1,2 dichloroethylene (cis-1,2 DCE). In August 1981, the Lakewood Water District took these wells temporarily out of production and notified its customers of the problem. EPA installed 24 monitoring wells, and contaminated surficial soil in the source area was excavated. Following the shutdown of the wells, the Washington State Department of Ecology (Ecology) and EPA conducted several investigations and cleanup activities. Soil on the Plaza Cleaners property was contaminated with PERC, a solvent that Plaza Cleaners used in their dry cleaning process.

Ecology determined that solvents used in the dry cleaning process were dumped onto the ground and into three on-site, bottomless septic tanks, causing the soil contamination. Ecology sampled septic tanks on the Plaza Cleaners property between October 1981 and January 1983. The Lakewood Site was added to the NPL on December 30, 1982.

In April 1983, Ecology issued an enforcement order requiring Plaza Cleaners to cease dumping solvent-containing materials into the septic system. A stipulated agreement for remedial action was reached between Ecology and Plaza Cleaners in September, 1983. Plaza Cleaners agreed to discontinue their prior solvent disposal practices, install a system for reclaiming cleaning solvents, and send drummed waste water and sludge to a suitable off-site disposal facility. The contents of the septic tanks were removed and the tanks backfilled to reduce the potential for further contamination during the EPA remedial action. Plaza Cleaners successfully fulfilled the terms of the agreement.

In May 1984, EPA completed a focused feasibility study identifying an interim remedial action (IRM) needed to address those contaminant problems posing the most immediate threat at the site. The objectives of the IRM were to: (1) restrict the spread of contamination within the aquifer; (2) restore normal water service to the area; (3) and, initiate ground-water treatment as quickly as possible. By November 15, 1984, two air strippers had been installed to treat wells H1 and H2 and were fully operational following implementation of the IRM.

EPA's contractor conducted a remedial investigation from August 1984 to July 1985 to further determine the extent of ground-water contamination at the site, test the soil at Plaza Cleaners for remaining contaminants, and determine whether other sources were contributing to the ground-water problem. The field work conducted during the RI included:

- Installation of nine deep and three shallow monitoring wells to provide a comprehensive picture of the ground-water regime (e.g. flow patterns, hydraulic connections between layers); determine the nature/extent of ground-water contamination; and, identify possible sources of the contamination.
- Excavation of the waste line at Plaza Cleaners and drilling of seven soil borings to determine the extent/character of remaining sources of contamination at Plaza Cleaners, and to determine if other sources besides Plaza Cleaners exist.
- Collection of samples for field and laboratory analysis to determine the extent/concentration of soil and aquifer contamination within the study area.

The dry cleaning operation's discharge of solvents into its bottomless (i.e. permeable) septic system and the disposal of other wastes containing solvents onto the ground outside their building were suspected of causing the soil and ground-water contamination. It was later confirmed that contamination had resulted from effluent discharges from septic tanks behind the Plaza Cleaners building and sludge disposal on the ground surface. Ecology found that supernatant (liquid overlying material deposited by settling or precipitation) in the dry cleaner's septic system contained 550 parts per billion (ppb) PERC and 29 ppb TCE.

Data for the two production wells (H1 and H2) ranged from 100 to 500 ppb PERC prior to initiating the ground-water treatment. Contaminant concentrations decreased rapidly after several days of pumping, and have continued to decrease. Maximum and mean concentrations in other ground-water monitoring wells within the study area prior to treatment were: PERC—922 ppb and 16 ppb, respectively, and: TCE—57 ppb and 3 ppb, respectively. The only detected concentration for cis-1,2 DCE was 85 ppb in a monitoring well upgradient of the production wells.

The RI indicated that PERC contamination in soil was highest where solvent-contaminated wastes were intentionally disposed on the ground surface. Except for several small pockets of contamination, most of the PERC from the soil borings and test pit was located in the upper 12 to 13 feet of soil in the immediate vicinity of the dry cleaner's septic tanks and drain field. Where it was detected, PERC concentrations ranged from 11 to 3,800 ppb. The average PERC concentration in soil was 500 ppb. Maximum TCE and cis-1,2 DCE concentrations in soil were 5 ppb and 4 ppb, respectively.

The feasibility study for the Lakewood site was published in July 1985, and the ROD was signed shortly thereafter on September 30, 1985.

The remedy selected in the ROD consisted of the following major elements:

- Continued operation of the H1–H2 production wells' treatment system to cleanup the aquifer. Installation of higher efficiency equipment or modification of existing energy reducing equipment used in the treatment system.
- Installation of additional monitoring wells, upgrading of existing wells, and continuation of routine sampling and analysis of the aquifer to monitor progress and provide early warning of potential new contaminants.
- Excavation and removal of contaminated septic tanks and drain field piping to avoid the possible spread of contamination via uncontrolled excavation (i.e., future property development). The septic tanks were found to be bottomless, and, therefore, they were not removed.
- Placement of administrative restrictions on the installation and use of ground-water wells and on excavation into the contaminated soils to minimize the potential for use of contaminated ground water and reduce the risks associated with uncontrolled excavation.

An amended ROD was signed on November 14, 1986. All of the selected remedies and administrative restrictions in the September 30, 1985 ROD for the aquifer unit remained the same. Additions or modifications to the soil unit cleanup were as follows:

- Installation of an SVES covering the area of soil contamination over and around the historical drain field on-site to extract PERC from the remaining contaminated soil.
- Reduction in the amount of septic tank contents to be removed and treated off-site. At that time, the capability of off-site disposal consistent with the CERCLA off-site policy was not available within Region 10 for the proposed 900 cubic yards of soil requiring removal, as called for in the original ROD. Therefore, contaminated solids and any water were removed from the septic tanks and disposed off-site. The remainder of the contaminated soil within the septic tanks and around the historical drain field was treated via SVES. During implementation of the remedy in the original ROD, the septic tanks were found to be bottomless, were left in place, and the soil treated via SVES.
- Soil and vapor testing continued until soil treatment was deemed complete.

In 1987, the SVES was installed within the contaminated area to extract PERC from the shallow unsaturated soil at the site. Soil sampling in 1990 indicated elevated concentrations of PERC at about 12 feet below the surface. Based on concerns that the SVES would not be able to reduce PERC concentrations below the 500 ppb cleanup level, EPA excavated the contaminated sludge and soil from the area, and disposed of it off-site. On-site soil remediation activities were completed in July 1992, including the dismantling and decommissioning of the SVES. Subsequent sampling

confirmed that attainment of the 500 ppb soil cleanup goal had been achieved. No further action is necessary to protect human health and the environment in relation to soil contamination at the Site.

Cleanup goals for the site contaminants were identified in an Explanation of Significant Differences (ESD) published on September 15, 1992. EPA published ground-water cleanup levels at 5.0 ppb for PERC and TCE, and 70 ppb for cis-1,2 DCE consistent with the federal maximum contaminant levels (MCLs). These concentrations are also the cleanup standards under the State of Washington's Model Toxics Control Act (MTCA) regulations Methods A and B. The soil cleanup level for PERC was set at 500 ppb, in compliance with MTCA Method A requirements (based on protection of ground water), is within EPA's acceptable risk range of 10^{-4} to 10^{-6}, and is protective of ground water.

The ESD also documented additional revisions needed in order to comply with the original ROD, amended ROD and regulatory requirements. The additional issues requiring revision were: (10 further remedial action necessary to remove the source of the contamination at the site, and (2) elimination of the requirement to implement institutional controls on land and ground-water use.

The institutional controls requirement on soil, as called for in the ROD and amended ROD, was addressed in the ESD as follows:

- The success of the final soil remedial action eliminated the need for institutional controls on land use.

EPA proposes to delete the soil unit because all appropriate CERCLA response activities have been completed in those areas where soil contamination exceeded the cleanup level. However, response activities at the groundwater unit are not yet complete, and the site will remain on the NPL and is not the subject of this partial deletion.

The NPL is a list maintained by EPA of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR § 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for partial deletion for thirty (30) days after publication of this notice in the Federal Register and a newspaper of record.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR § 300.425(e), sites may be deleted from the NPL where no further response is appropriate to protect human health or the environment. In making such a determination pursuant to section 300.425 (e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

Section 300.425(e)(1)(i). Responsible parties or other persons have implemented all appropriate response actions required; or

Section 300.425(e)(1)(ii). All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

Section 300.425(e)(1)(iii). The remedial investigation has shown that the release poses no significant threat to human health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures were used for the proposed deletion of the soil unit at the Lakewood Site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The State of Washington, through the Washington Department of Ecology, concurs with this partial deletion.

(3) Concurrent with this national Notice of Intent for Partial Deletion, a notice has been published in a newspaper of record and has been distributed to appropriate federal, State, and local officials, and other interested parties. These notices announce a thirty (30) day public comment period on the deletion package, which commences on the date of publication of this notice in the Federal Register and a newspaper of record.

(4) EPA has made all relevant documents available at the information repositories listed previously.

This Federal Register document, and a concurrent notice in a newspaper of record, announce the initiation of a thirty (30) day public comment period and the availability of the Notice of Intent for Partial Deletion. The public is asked to comment on EPA's proposal to delete the soil unit from the NPL. All critical documents needed to evaluate EPA's decision are included in the Deletion Docket and are available for review at the EPA Region 10 information repositories.

Upon completion of the thirty (30) day public comment period, EPA will evaluate all comments received before issuing the final decision on the partial deletion. EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed previously. Members of the public are encouraged to contact EPA Region 10 to obtain a copy of the Responsiveness Summary. If, after review of all public comments, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of partial deletion in the Federal Register. Deletion of the soil unit does not actually occur until the final Notice of Partial Deletion is published in the Federal Register.

IV. Basis for Intended Partial Site Deletion

The following provides EPA's rationale for deletion of the soil unit from the NPL and EPA's finding that the criteria in 40 CFR § 300.425(e) are satisfied.

Background

The Lakewood Site is located in Lakewood (Pierce County), Washington and includes property upon which a business known as Plaza Cleaners has operated for several years. The regional aquifer is contaminated within about a 2,000-foot radius down gradient from the Plaza Cleaners.

The area is predominantly residential to the north of the Burlington Northern Railroad tracks, and commercial/light industrial along the Pacific Highway. Lakewood Water District has two of its

production wells (H1 and H2) on a fenced site immediately south of Plaza Cleaners, across Interstate 5. Residential property lies to the east, and McChord Air Force Base to the southeast of the wells. In July 1981, EPA sampled drinking water wells in the Tacoma area for contamination by volatile organic compounds. The tests indicated that the Lakewood Water District production wells, H1 and H2, were contaminated with trichloroethylene (TCE), tetrachloroethylene (PERC), and cis-1,2 dichloroethylene (cis-1,2 DCE). In August 1981, the Lakewood Water District took these wells temporarily out of service and notified its customers of the problem. EPA installed 24 monitoring wells, and contaminated surficial soil in the source area was excavated. Following the shutdown of the wells, Ecology and EPA conducted several investigations and cleanup activities. Soil on the Plaza Cleaners property was contaminated with PERC, a solvent they used in their dry cleaning process. Ecology determined that solvents used in the dry cleaning process were dumped onto the ground and into three on-site, bottomless septic tanks, causing contamination of the soil. Ecology sampled septic tanks on the Plaza Cleaners site between October 1981 and January 1983. In April 1983, Ecology issued an enforcement order requiring Plaza Cleaners to cease dumping solvent-containing materials into the septic system. The contents of the septic tanks were later removed and the tanks backfilled to reduce the potential for further contamination during the EPA remedial action.

In May 1984, EPA completed a focused feasibility study identifying an interim remedial action (IRM) needed to address those contaminant problems posing the most immediate threat at the site. The objectives of the IRM were to: (1) Restrict the spread of contamination within the aquifer; (2) restore normal water service to the area; (3) and, initiate ground-water treatment as quickly as possible. By November 15, 1984, two air strippers had been installed to treat wells H1 and H2 and were fully operational following implementation of the IRM.

EPA's contractor conducted a remedial investigation from August 1984 to July 1985 to further determine the extent of ground-water contamination at the site, test the soil at Plaza Cleaners for remaining contaminants, and determine whether other sources were contributing to the ground-water problem. The field work conducted during the RI included:

- Installation of nine deep and three shallow monitoring wells to provide a comprehensive picture of the ground-water regime (e.g. flow patterns, hydraulic connections between layers); determine the nature/extent of ground-water contamination; and, identify possible sources of the contamination.
- Excavation of the waste line at Plaza Cleaners and drilling of seven soil borings to determine the extent/character of remaining sources of contamination at Plaza Cleaners, and to determine if other sources besides Plaza Cleaners exist.
- Collection of samples for field and laboratory analysis to determine the extent/concentration of soil and aquifer contamination within the study area.

The dry cleaning operation's discharge of solvents into its bottomless (i.e. permeable) septic system and the disposal of other wastes containing solvents onto the ground outside their building were suspected of causing the soil and ground-water contamination. It was later confirmed that contamination had resulted from effluent discharges from septic tanks behind the Plaza Cleaners building and sludge disposal on the ground surface.

Ecology found that supernatant (liquid overlying material deposited by settling or precipitation) in the dry cleaner's septic system contained 550 parts per billion (ppb) PERC and 29 ppb TCE.

Data for the two production wells (H1 and H2) ranged from 100 to 500 ppb PERC prior to initiating the ground-water treatment. Contaminant concentrations decreased rapidly after several days of pumping, and have continued to decrease. Maximum and mean concentrations in other ground-water monitoring wells within the study area prior to treatment were: PERC–922 ppb and 16 ppb, respectively, and: TCE–57 ppb and 3 ppb, respectively. The only detected concentration for cis-1,2 DCE was 85 ppb in a monitoring well upgradient of the production wells.

The RI indicated that PERC contamination in soil was highest where solvent-contaminated wastes were intentionally disposed on the ground surface. Except for several small pockets of contamination, most of the PERC from the soil borings and test pit was located in the upper 12 to 13 feet of soil in the immediate vicinity of the dry cleaner's septic tanks and drain field. Where it was detected, PERC concentrations ranged from 11 to 3,800 ppb. The average PERC concentration in soil was 500 ppb. Maximum TCE and cis-1,2 DCE concentrations in soil were 5 ppb and 4 ppb, respectively.

The feasibility study for the Lakewood site was published in July 1985, and the ROD was signed shortly thereafter on September 30, 1985.

The remedy selected in the ROD consisted of the following major elements:

- Continued operation of the H1–H2 production wells' treatment system to cleanup the aquifer. Installation of higher efficiency equipment or modification of existing energy reducing equipment used in the treatment system.
- Installation of additional monitoring wells, upgrading of existing wells, and continuation of routine sampling and analysis of the aquifer to monitor progress and provide early warning of potential new contaminants.
- Excavation and removal of contaminated septic tanks and drain field piping to avoid the possible spread of contamination via uncontrolled excavation (i.e., future property development). The septic tanks were found to be bottomless, and, therefore, they were not removed.
- Placement of administrative restrictions on the installation and use of ground-water wells and on excavation into the contaminated soils to minimize the potential for use of contaminated ground water and reduce the risks associated with uncontrolled excavation.

An amended ROD was signed on November 14, 1986. All of the selected remedies and administrative restrictions in the September 30, 1985 ROD for the aquifer unit remained the same. Additions or modifications to the soil unit cleanup were as follows:

- Installation of an SVES covering the area of soil contamination over and around the historical drain field on-site to extract PERC from the remaining contaminated soil.
- Reduction in the amount of septic tank contents to be removed and treated off-site. At that time, the capability of off-site disposal consistent with the CERCLA off-site policy was not available within Region 10 for the proposed 900 cubic yards of soil requiring removal, as called for in the original ROD. Therefore, contaminated solids and any water were removed from the septic tanks and disposed off-site. The remainder of the contaminated soil within the septic tanks and around the historical drain field was treated via SVES. During implementation of the remedy in the original ROD, the septic tanks were found to be bottomless, were left in place, and the soil treated via SVES.
- Soil and vapor testing continued until soil treatment was deemed complete.

Final Response Actions

In 1987, soils were excavated from inside and around the three septic tanks to remove the source of PERC contamination. An SVES was installed within the contaminated area to extract PERC from the shallow unsaturated soil at the site. Soil sampling in 1990 indicated elevated concentrations of PERC at about 12 feet below the surface.

Cleanup goals for the site contaminants were identified in an Explanation of Significant Differences (ESD) published on September 15, 1992. EPA published ground-water cleanup levels at 5.0 ppb for PERC and TCE, and 70 ppb for cis-1,2 DCE consistent with the federal maximum contaminant levels (MCLs). These concentrations are also the cleanup standards under the State of Washington's Model Toxics Control Act (MTCA) regulations Methods A and B. The soil cleanup level for PERC was set at 500 ppb, in compliance with MTCA Method A requirements (based on protection of ground water), is within EPA's acceptable risk range of 10^{-4} to 10^{-6}, and is protective of ground water.

The ESD also documented additional revisions needed in order to comply with the original ROD, amended ROD and regulatory requirements. The additional issues requiring revision were: (10 further remedial action necessary to remove the source of the contamination at the site, and (2) elimination of the requirement to implement institutional controls on land and ground-water use.

The institutional controls requirement on soil, as called for in the ROD and amended ROD, was addressed in the ESD as follows:

- The success of the final soil remedial action eliminated the need for institutional controls on land use.

Based on concerns that the SVES would not be able to reduce PERC concentrations below the cleanup level, EPA excavated the contaminated sludge and soil from the area, and disposed of it off-site. On-site soil remediation activities were completed in July 1992, including the dismantling of the SVES. Subsequent sampling confirmed that the attainment of the 500 ppb soil cleanup goal was achieved. No further action is necessary to protect human health and the environment in relation to soil contamination at the Site. EPA proposes to delete the soil unit because all appropriate CERCLA response activities have been completed in those areas where soil contamination exceeded cleanup levels.

All of the response actions at the soil unit were conducted using funds from the Hazardous Substance Superfund.

Community Relations Activities

Community interest in this site has been low. Most residents seem confident that the water they receive is safe. Most of the citizens concerned about contamination were not served by drinking water supply wells H1 and H2, but by other wells which they feared might be affected by the contamination at the site. There has been little press interest since the Lakewood Water District production wells, H1 and H2, were returned to use.

A major goal of the Community Relations Section was to inform residents of the status of the remedial activities. EPA sent letters to property owners and well-drillers advising them not to drink from private wells or drill new wells in the zone of contamination. EPA has mailed fact sheets to local residents since 1984, most recently in September, 1992.

Current Status

Final on-site soil remediation activities were completed in July 1992. Contaminated sludge and soil was excavated to a maximum depth of 18 feet. Attainment of the 500 ppb soil cleanup level has been achieved.

While EPA does not believe that any future response actions in the soil unit will be needed, if future conditions warrant such action, the proposed deletion area of the Lakewood Site remains eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of the groundwater unit of the Lakewood Site which is not proposed for deletion and remains on the NPL.

The State of Washington, through the Department of Ecology, has concurred on EPA's final determination regarding the partial deletion.

Dated: September 17, 1996.

Chuck Clarke,

Regional Administrator, U.S. Environmental Protection Agency, Region 10.

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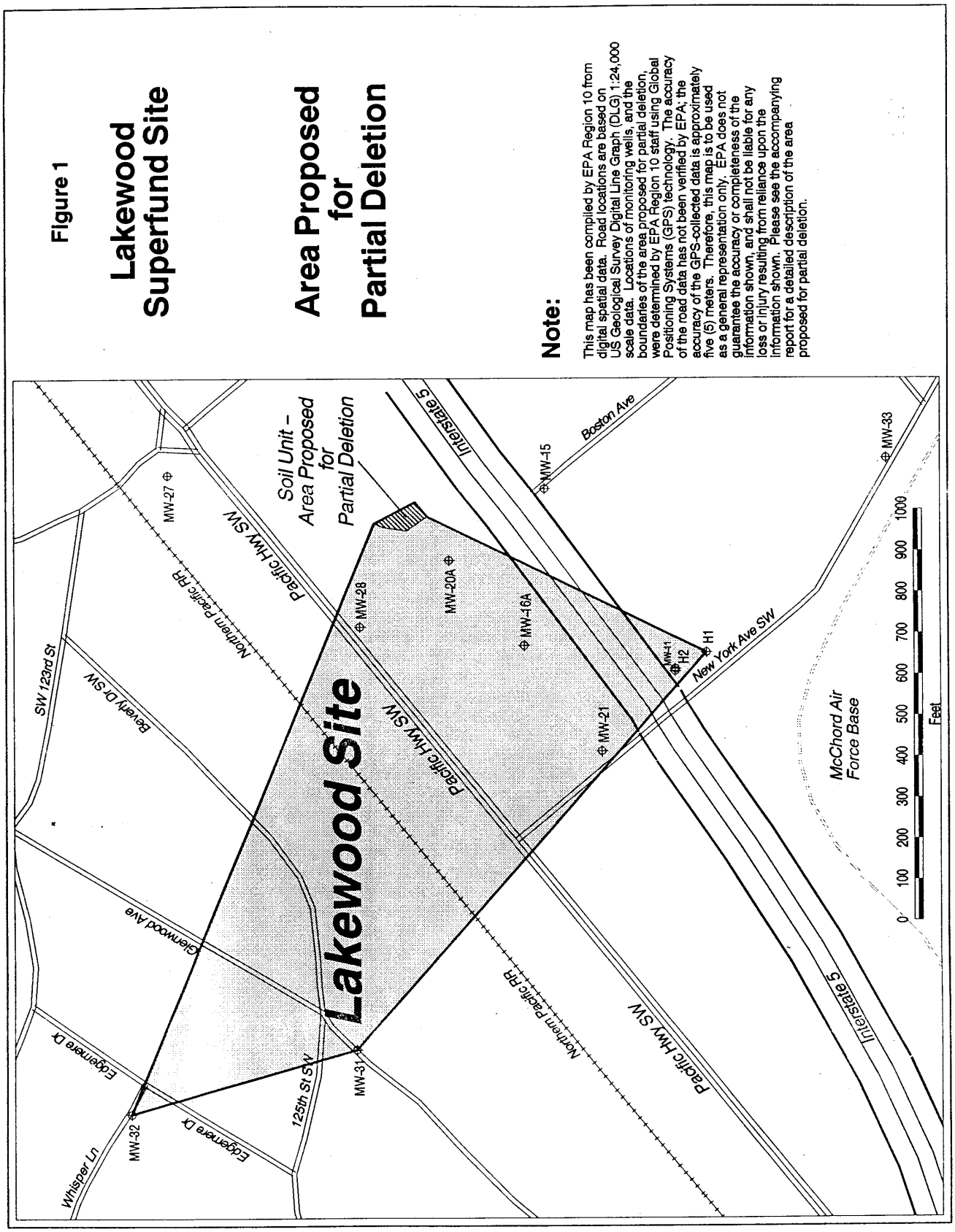

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 960919266–6266–01; I.D. 082096D]

RIN 0648–AD91

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands; Initial Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement the Fishery Management Plan for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands (FMP). The FMP would restrict the taking of queen conch in or from the exclusive economic zone (EEZ) around Puerto Rico and the U.S. Virgin Islands (USVI) in order to restore overfished stocks.

DATES: Written comments must be received on or before November 12, 1996.

ADDRESSES: Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the FMP, which includes a regulatory impact review (RIR)/initial regulatory flexibility analysis (IRFA) and a final environmental impact statement (FEIS), should be sent to the Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Caribbean Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Background

The FMP covers all conchs of the genus *Strombus* and other edible gastropods that have been recorded in landings from Puerto Rico and the USVI (U.S. Caribbean). Most of the FMP's management measures concern only the queen conch, *Strombus gigas*, which appears to be declining in abundance throughout its range in the Atlantic and Caribbean. The status of other species included in the FMP is largely unknown. Accordingly, the restrictions proposed for these other species are limited to those necessary to ensure the effectiveness of management measures for queen conch.

Queen conch are harvested for food. The shells may be sold whole or made into jewelry. Queen conch is a staple of Caribbean cuisine. Traditionally, conch are taken by free-diving in inshore waters; however, overexploitation nearshore has led to an increase in commercial harvests by scuba divers in deeper waters.

Trends in queen conch landings since the early 1980s indicate decreased abundance throughout the U.S. Caribbean. In Puerto Rico, landings declined more than 400,000 lb (181,437 kg) in 1983 to 100,000 lb (45,359 kg) in 1992. More than 90 percent of current landings are by scuba diving. On St. Croix, USVI, landings declined more than 50 percent from 1982 to 1992. The conch fishery was closed in USVI waters off St. Thomas and St. John Islands from 1988–1992 due to overfishing.

Recently, the USVI established conch regulations that are designed to rebuild declining stocks; Puerto Rico is in the process of developing similar regulations. USVI conch regulations are compatible with the FMP's management measures. The absence of compatible regulations in Puerto Rican waters, however, may provide an opportunity for fishermen to circumvent Federal conservation measures. Fishermen could claim that conch harvested in the EEZ came from state waters. If the FMP is approved, Puerto Rico will be asked to implement compatible regulations as soon as possible.

Management Measures

The FMP would: (1) Require that a Caribbean conch resource be landed in its shell; (2) prohibit the possession or sale of queen conch less than 9 inches (22.9 cm) in total length and less than 3/8 inch (9.5 mm) in lip width at its widest point; (3) establish a recreational daily bag limit of 3 queen conch per person or, if more than 4 persons are aboard, 12 queen conch per boat; (4) establish a daily harvest limit of 150 queen conch per licensed commercial fisherman; (5) prohibit taking of queen conch from July 1 through September 30; and (6) prohibit the taking of queen conch by diving while using a device that provides a continuous air supply from the surface. The FMP is designed to rebuild the overfished queen conch resources by protecting the spawning stock and reducing fishing effort.

Landing Whole

The FMP would require that a Caribbean conch resource be landed in the shell. This would allow enforcement personnel to identify the conch species and, thus, enforce the minimum size limit for queen conch. This provision is expected to reduce fishing effort by limiting the amount of queen conch that can be carried aboard a fishing vessel. Conch fishermen testified that they would prefer to land conch meat only; however, there is no readily available method of distinguishing between the meats of queen and other conch resources. In addition, there is no reliable correlation between the age of queen conch and the weight of queen conch meat.

Size Limits

The length of the shell and the width (thickness) of the shell's flared ''lip'' are used to assess the age and sexual maturity of queen conch. Recent studies, based on western Puerto Rico queen conch populations, indicate that protecting queen conch less than 9 inches (22.9 cm) in length and less than ⅜ inch (9.5 mm) in lip width is likely to increase the spawning stock biomass. Enforcement of the Council's proposed prohibition on sale of undersized queen conch would be facilitated by the fact that the Convention on International Trade in Endangered Species of Wild Fauna and Flora requires documentation to accompany most international trade in queen conch. See 50 CFR part 23. Thus, at least at the time of importation, it should be possible to distinguish between queen conch taken from the EEZ and adjoining state waters and queen conch harvested outside U.S. jurisdiction and imported into the U.S. Caribbean.

Harvest Limits

The Council is proposing to adopt the following queen conch harvest limits: 3 per person per day for recreational fishermen, not to exceed 12 per boat, and 150 per commercial fisherman per day. Although no statistics are available on the level of recreational fishing for queen conch in the U.S. Caribbean, the Council received anecdotal reports indicating that its proposed recreational bag limit would provide sufficient conch for traditional family needs. Current USVI regulations provide a less restrictive recreational limit. Puerto Rico is conducting a 1996 queen conch recreational fishing survey to provide more definitive estimates of recreational effort. The Council believes that the

limit of 150 queen conch per day will restrict commercial fishermen to approximately current levels of harvest. Commercial fishing licenses issued by Puerto Rico or the USVI, and available to all U.S. citizens, are required to exceed the recreational bag limit. The Council would reconsider this requirement for a commercial fishing license if the USVI or Puerto Rico significantly changes its licensing requirements.

Closed Season

Peak queen conch spawning season in the U.S. Caribbean is July through September. Queen conch aggregate in shallow waters during this season, increasing chances of overharvest. The FMP would prohibit all harvest of queen conch during this season to complement an identical measure in effect in the USVI. Puerto Rico is also expected to establish a spawning season closure.

Gear Restrictions

Overfishing of nearshore areas has led to an increased reliance on the harvest of queen conch in deeper waters by scuba and hookah diving. Increased access to deeper waters by these methods could result in the elimination of some of the last remaining sources of conch recruitment. Although the Council considered a prohibition on harvest of queen conch by scuba in the EEZ, adverse economic impacts of this alternative convinced the Council to recommend only a prohibition against devices that provide a continuous air supply from the surface, such as hookah; such devices are not often used in the U.S. Caribbean EEZ. By allowing extended time on the ocean floor, hookah diving significantly increases harvesting time compared to scuba and free-diving.

Additional Information

Additional background and rationale on the Caribbean conch resources and the management measures in this rule are contained in the FMP, the availability of which was announced in the Federal Register on August 29, 1996 (61 FR 45395).

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council within 15 days of receipt of an FMP and regulations. At this time NMFS has not determined that the FMP is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

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

The Council prepared an FEIS for this FMP that will be filed with the Environmental Protection Agency for public review and comment; a notice of its availability for public comment will be published in the Federal Register. According to the FEIS, the proposed management measures would benefit the natural environment for the queen conch fishery by limiting fishing effort. The dive fishery for queen conch is unlikely to impact habitat of conch or other organisms.

The Council prepared an IRFA, as part of the RIR, which concluded that the proposed measures in the FMP would have a significant economic impact on a substantial number of small entities. The commercial queen conch fishery is composed entirely of small businesses; although the exact number of small businesses is unknown, the RIR's analyses indicate that at least 30 percent of all queen conch fishing trips will be affected by the proposed rule.

There are no other Federal rules that would conflict with the proposed rule and no significant alternatives to the proposed management measures that would have accomplished the goals of the Magnuson Act.

The IRFA identified the following impacts on small entities. The requirement to land queen conch in the shell, rather than discarding the shell at sea, can reduce the ex-vessel value of a day's catch because vessel capacity may be exceeded in certain small vessels traditionally used in this fishery. The proposed size limit would increase the cost of fishing and reduce the amount of conch taken on some trips, at least in the short term. However, the Council was unable to quantify these potential changes in net benefits.

Assuming fishermen do not compensate for the proposed reduction in queen conch harvests through increased harvests of other species, estimated reductions in gross revenues per trip in Puerto Rico associated with the 150 commercial trip limit would average $12, a decline of about 7.5 percent. Average gross revenues per trip in the USVI would decline by $5, a decline of less than 2 percent. Assuming most U.S. Caribbean commercial queen conch fishermen reside in Puerto Rico, and based on NMFS' Regulatory Flexibility Act criterion specifying that economic effects are significant if at least 20 percent of affected small entities would experience a reduction in annual gross revenues by more than 5 percent, the RIR/IRFA concludes that this rule will probably have significant economic impacts on small business entities.

Impacts on small entities of the proposed closed season, July-September, are expected to be minimal because fishermen will shift effort to other fisheries, such as lobsters and snappers, during the summer season. Revenues for USVI queen conch fishermen did not decline significantly when a seasonal closure went into effect in USVI waters. Prohibiting diving gear that provides a continuous air supply from the surface, such as hookah, is likely to have only a very minor impact on small entities. Although no data exist to document the extent of the use of hookah to take queen conch, it is thought to be insignificant relative to scuba and free-diving.

This action would not revise existing, or establish any new, reporting, recordkeeping, or other compliance requirements.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: September 20, 1996.

N. Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.1, table 1, an entry is added in alphabetical order to read as follows:

§ 622.1 Purpose and scope.

* * * * *

TABLE 1.—FMPS IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
* * * * *	*	*
FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands	CFMC	Carribbean.
* * * * *	*	*

3. In § 622.2, the definition for ''Caribbean conch resource'' is added in alphabetical order to read as follows:

§ 622.2 Definitions and acronyms.

* * * * *

Caribbean conch resource means one or more of the following species, or a part thereof:

(1) Atlantic triton's trumpet, *Charonia variegata.*

(2) Cameo helmet, *Cassis madagascarensis.*

(3) Caribbean helmet, *Cassis tuberosa.*

(4) Caribbean vase, *Vasum muricatum.*

(5) Flame helmet, *Cassis flammea.*

(6) Green star shell, *Astrea tuber.*

(7) Hawkwing conch, *Strombus raninus.*

(8) Milk conch, *Strombus costatus.*

(9) Queen conch, *Strombus gigus.*

(10) Roostertail conch, *Strombus gallus.*

(11) True tulip, *Fasciolaria tulipa.*

(12) West Indian fighting conch, *Strombus pugilis.*

(13) Whelk (West Indian top shell), *Cittarium pica.*

* * * * *

4. In § 622.33, paragraph (c) is added to read as follows:

§ 622.33 Caribbean EEZ seasonal and/or area closures.

* * * * *

(c) *Queen conch closure.* From July 1 through September 30, each year, no person may fish for queen conch in the Caribbean EEZ and no person may possess on board a fishing vessel a queen conch in or from the Caribbean EEZ.

5. In § 622.37, paragraph (g) is added to read as follows:

§ 622.37 Minimum sizes.

* * * * *

(g) *Caribbean queen conch*—9 inches (22.9 cm) in length, that is, from the tip of the spire to the distal end of the shell, and 3/8 inch (9.5 mm) in lip width at its widest point. A queen conch with a length of at least 9 inches (22.9 cm) or a lip width of at least 3/8 inch (9.5 mm) is not undersized.

6. In § 622.38, paragraph (f) is added to read as follows:

§ 622.38 Landing fish intact.

* * * * *

(f) A Caribbean conch resource in or from the Caribbean EEZ must be maintained with meat and shell intact.

7. In § 622.39, paragraph (e) is added to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(e) *Caribbean queen conch*—(1) *Applicability.* Paragraph (a)(1) of this section notwithstanding, the bag limit of paragraph (e)(2) of this section does not apply to a fisherman who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands. See § 622.44 for the commercial daily trip limit.

(2) *Bag limit.* The bag limit for queen conch in or from the Caribbean EEZ is 3 per person or, if more than 4 persons are aboard, 12 per boat.

8. In § 622.41, paragraph (e) is added to read as follows:

§ 622.41 Species specific limitations.

* * * * *

(e) *Caribbean queen conch.* In the Caribbean EEZ, no person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface.

9. In § 622.44, paragraph (e) is added to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(e) *Caribbean queen conch.* A person who fishes in the Caribbean EEZ and is not subject to the bag limit may not possess in or from the Caribbean EEZ more than 150 queen conch per day.

[FR Doc. 96–24747 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–22–P

50 CFR Part 648

[I.D. 091996C]

New England Fishery Management Council; Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting on October 2 and 3, 1996, to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, October 2, 1996, at 10 a.m., and on Thursday, October 3, 1996, at 8:30 a.m.

ADDRESSES: The meeting will be held at the King's Grant Inn, Route 128 and Trask Lane, Danvers, MA; telephone (508) 774–6800. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906–1097; telephone: (617) 231–0422.

FOR FURTHER INFORMATION CONTACT: Christopher B. Kellogg, Acting Executive Director, New England Fishery Management Council.

SUPPLEMENTARY INFORMATION: After introductions, the October 2 session will begin with a report by the Groundfish Committee. Issues to be considered include final action on Framework Adjustment 18 to the Northeast Multispecies Fishery Management Plan (FMP), which pertains to mid-water trawling in areas closed to groundfish fishing. Other discussion items include mobile gear night closures to protect spawning groundfish, a framework adjustment to modify the existing effort reduction measures for gillnet vessels, and an exemption for general category scallop permit holders who use small dredges and are unable to fish under the current groundfish regulations. During the Gear Conflict Committee report that will follow, the Council will discuss final action on Framework Adjustment 1, proposed to reduce gear-related disputes in the offshore waters of Southern New England. The October 2 session will conclude with a report by NMFS Chief of the Highly Migratory Species Management Division, Dr. William Hogarth, who will discuss a variety of issues related to swordfish, shark and tuna management. At that time, the Council plans to develop comments on an advanced notice of proposed rulemaking to adjust

management measures for Atlantic bluefin tuna.

The October 3 session will begin with reports from the Council Chairman, Vice Chairman, Executive Director, NMFS Regional Administrator, and representatives from the NMFS Northeast Fisheries Science Center, Atlantic States Marine Fisheries Commission, U.S. Coast Guard, and the Mid-Atlantic Fishery Management Council. The Responsible Fishing Practices Committee will present its draft comments on NMFS' proposed Code of Conduct for Responsible Fisheries. The Monkfish Committee will provide an update on the development of a public hearing document and accompanying draft Supplemental Environmental Impact Statement. The October 3 session will conclude with a status report on the reauthorization of the Magnuson Fishery Conservation and Management Act, a briefing on the recent North Atlantic Fisheries Organization meeting and a discussion of the Mid-Atlantic Fishery Management Council's proposed regulatory amendment to the Fishery Management Plan for Summer Flounder and the Scup Fishery. Any other outstanding business also will be addressed.

Abbreviated Rulemaking—Northeast Multispecies

At the recommendation of its Groundfish Committee, the Council will consider final action on Framework Adjustment 18 to the Northeast Multispecies FMP under the framework for abbreviated rulemaking procedure contained in 50 CFR 648.90. The adjustment would allow herring and mackerel fishing with pelagic mid-water trawls in areas of Georges Bank now closed to all gear capable of catching groundfish.

The Council will consider public comments at a minimum of two Council Meetings prior to making any final recommendations to the NMFS Regional Administrator under the provisions for abbreviated rulemaking cited above. If the Regional Administrator concurs with the measures proposed by the Council, he will publish them as a final rule in the Federal Register.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Douglas G. Marshall (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: September 20, 1996.

Gary Matlock,

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

[FR Doc. 96–24745 Filed 9–24–96; 12:05 pm]

BILLING CODE 3510–22–F

50 CFR Part 679

[Docket No. 960918264–6264–01; I.D. 091296A]

RIN 0648–AI61

Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Sweep-up Adjustments

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 43 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 43 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA) and a regulatory amendment to the halibut individual fishing quota (IFQ) regulations. This action is necessary to increase the consolidation (''sweep-up'') levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the IFQ program. This action is intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery), while increasing the program's flexibility by allowing a moderately greater amount of QS to be ''swept-up'' into larger amounts that can be fished more economically.

DATES: Comments must be received by November 12, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel. Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for this action may be obtained from the above address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background Information

The U.S. groundfish fisheries of the GOA and the BSAI in the exclusive economic zone are managed by NMFS pursuant to the FMPs for groundfish in the respective management areas. The FMPs were prepared by the North Pacific Fishery Management Council (Council) pursuant to the Magnuson Fishery Conservation and Management Act (Magnuson Act) at 16 U.S.C. 1801 *et seq.*, and are implemented by regulations for the U.S. fisheries at 50 CFR part 679. The Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773 *et seq.*, authorizes the Council to develop and NMFS to implement regulations to allocate halibut fishing privileges among U.S. fishermen.

Under these authorities, the Council developed the IFQ program, a limited access management system for the fixed gear Pacific halibut and sablefish fisheries. NMFS approved the IFQ program in November 1993, and fully implemented the program beginning in March 1995. The Magnuson Act and the Halibut Act authorize the Council to recommend to NMFS changes to the IFQ program as necessary to conserve and manage the fixed gear Pacific halibut and sablefish fisheries.

Rationale for Amendments 43/43

Before NMFS implemented the IFQ program, the Council recommended that all initially issued QS that resulted in less than 20,000 lb (9 metric tons (mt)) of IFQ would be ''blocked,'' that is, issued as an inseparable unit. Further information on Amendments 31/35 (Block Amendments) can be found in the preambles to the proposed rule (59 FR 33272, June 28, 1994), and the final rule (59 FR 51135, October 7, 1994). The final rule implementing these amendments was effective prior to the beginning of the first IFQ season in 1995.

The Block Amendments created a variety of block sizes that were available for transfer. One of the primary purposes of the Block Amendments was to create small blocks of QS that could be purchased at a relatively low cost by crewmembers and new entrants to the IFQ fisheries. As the experience of these fishermen increased and the size of their fishing operations grew, larger amounts of QS were needed to accommodate this growth. One method included in the Block Amendments to accommodate this growth was the ''sweep-up'' provision, which allows very small blocks of QS to be permanently consolidated. The maximum sweep-up level was set at 1,000 lb (0.45 mt) for

Pacific halibut and 3,000 lb (1.4 mt) for sablefish, based on the 1994 total allowable catch (TAC).

After the completion of the first IFQ season, the IFQ longline industry reported that the established sweep-up levels were lower than the harvest amount of a worthwhile fishing trip. Therefore, the IFQ longline industry requested a moderate increase in the sweep-up levels to allow greater amounts of QS to be swept-up into larger amounts that can be fished more economically. The Council determined that a moderate increase in the sweep-up levels would likely enhance the opportunity of crewmembers and small boat fishermen who seek to increase their QS holdings. The Council also determined that allowing persons to permanently consolidate slightly larger blocks of QS would not circumvent the primary goals of the Block Amendments (i.e., preventing excessive consolidation and maintaining the diversity of the IFQ longline fleet).

Management Action Pursuant to Amendments 43/43

Amendments 43/43 would increase the sweep-up levels for small QS blocks for Pacific halibut and sablefish from the current 1,000 lb (0.45 mt) maximum for Pacific halibut and 3,000 lb (1.4 mt) maximum for sablefish to a 3,000 lb (1.4 mt) maximum and a 5,000 lb (2.3 mt) maximum, respectively. Two other changes were recommended to accompany these increases. First, the base year TAC for determining the pounds would be the 1996 TAC, rather than 1994 TAC, which was used for the first sweep-up levels. Second, once QS levels are established for the appropriate regulatory areas based on the 1996 TAC, those QS levels would be fixed and codified. This would eliminate any confusion as to the appropriate sweep-up level in pounds, which would fluctuate with changes in the annual TAC.

For example, the original sweep-up level for Pacific halibut was set at a 1,000 lb (0.45 mt) maximum based on the 1994 catch limit. This equaled 5,146 QS for the IFQ regulatory Area 2C based on the formula for calculating a person's annual allocation of IFQ as described in § 679.40(c) (i.e., the ratio of a person's QS for an IFQ regulatory area to the QS pool multiplied by the catch limit for that area. In 1995, the first year of fishing under the IFQ program, the halibut catch limit for IFQ regulatory Area 2C was 9,000,000 lb (4,082.3 mt). By using this catch limit and the 1995 QS/QS pool ratio, the actual maximum pounds that could be swept-up in IFQ regulatory Area 2C in 1995 was 774 lb (0.35 mt). This amount changed to 772 lb (0.35 mt) based on the new catch limit and QS/QS pool ratio in 1996. These fluctuations were very confusing, especially since the regulations codified the maximum levels in pounds.

Codifying a fixed QS number would eliminate this confusion. The number of QS units that could be swept-up would remain the same year after year, only the resulting IFQ would fluctuate annually. For example, the new sweep-up maximum for IFQ regulatory Area 2C would be 19,992 QS units based on the 1996 catch limit and the QS/QS pool ratio. This number of QS units would be codified as the maximum sweep-up level for IFQ regulatory Area 2C. Although the annual IFQ pounds resulting from 19,992 QS units in IFQ regulatory Area 2C may vary, the QS unit number would remain fixed and readily available in the regulatory text.

Classification

An EA/RIR was prepared for this rule that describes the management background, the purpose and need for action, the management action alternatives, and the socio-economic impacts of the alternatives. The EA/RIR estimates the total number of small entities affected by this action, and analyzes the economic impact on those small entities. Based on the economic analysis in the EA/RIR, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities; as follows:

The proposed rule would increase the consolidation (''sweep-up'') levels for small quota share (QS) blocks for Pacific halibut and sablefish managed under the Individual Fishing Quota (IFQ) program. These amendments are intended to maintain consistency with the objectives of the IFQ program (i.e., prevent excessive consolidation of QS, maintain diversity of the fishing fleet, and allow new entrants into the fishery) while increasing the program's flexibility by allowing moderately greater amounts of QS to be swept-up into amounts that can be fished more economically.

Although most fishing operations affected by these regulations are considered small entities, the impacts of these regulations are not of the type contemplated by the Regulatory Flexibility Act (RFA) as significant. This proposed rule, if approved, would provide regulatory relief to small entities by removing inefficient barriers to economically beneficial consolidations. For example, allowing greater amounts of QS to be swept-up into blocks could affect fishing operations by increasing their efficiency; however, this efficiency would not economically impact annual gross revenues or compliance costs of small entities, either directly or indirectly, to the levels considered significant under the RFA. Therefore, the analysis contained in the Regulatory Impact Review concluded that this action would not have a significant economic impact on a substantial number of small entities.

Copies of the EA/RIR can be obtained from NMFS (see **ADDRESSES**).

This proposed rule will not change the collection of information approved by the Office of Management and Budget, OMB Control Number 0648–0272, for the Pacific halibut and sablefish IFQ program.

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

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: September 23, 1996.

N. Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

2. In § 679.41, paragraph (e)(2) is revised and paragraph (e)(3) is added to read as follows:

§ 679.41 Transfer of QS and IFQ.

* * * * *

(e)* * *

(2) QS blocks for the same IFQ regulatory area and vessel category that represent less than 5,000 lb (2.3 mt) of sablefish IFQ, based on the 1996 TAC share for fixed gear sablefish in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 5,000 lbs (2.3 mt) of sablefish IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single QS block in each IFQ regulatory area is as follows:

(i) Southeast Outside district: 33,270 QS.

(ii) West Yakutat district: 43,390 QS.

(iii) Central Gulf area: 46,055 QS.

(iv) Western Gulf area: 48,410 QS.

(v) Aleutian Islands subarea: 99,210 QS.

(vi) Bering Sea subarea: 91,275 QS.

(3) QS blocks for the same IFQ regulatory area and vessel category that represent less than 3,000 lbs (1.4 mt) of halibut IFQ, based on the 1996 catch limit for halibut in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 3,000 lbs (1.4 mt) of halibut IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single block in each IFQ regulatory area is as follows:

(i) Area 2C: 19,992 QS.

(ii) Area 3A: 27,912 QS.

(iii) Area 3B: 44,193 QS.

(iv) Subarea 4A: 22,947 QS.

(v) Subarea 4B: 15,087 QS.

(vi) Subarea 4C: 30,930 QS.

(vii) Subarea 4D: 26,082 QS.

(viii) Subarea 4E: 0 QS.

* * * * *

[FR Doc. 96–24786 Filed 9–24–96; 12:05 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 189
Friday, September 27, 1996

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

Office of the Secretary

New York State Agricultural Nonpoint Sources Abatement and Control Matching Grant Program, Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.
ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that all cost-share payments awarded to individuals by the New York State Soil and Water Conservation Committee through participating county soil and water conservation districts under the State Agricultural Nonpoint Source Abatement and Control Matching Grant Program have been made primarily for the purpose of soil and water conservation, protecting or restoring the environment, and improving the quality of water in priority waterbodies of the State. This determination is made in accordance with Section 126 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 126. The determination permits recipients of these cost-share payments to exclude them from gross income to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: David Pendergast, Executive Director, New York State Soil and Water Conservation Committee, 1 Winners Circle, Capital Plaza, Albany NY 12235, 518–457–3738.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, 26 U.S.C. 126, provides that certain payments made to persons under State or local conservation programs may be excluded from a recipient's gross income for Federal income tax purposes, if the Secretary of Agriculture determines that payments are made ''primarily for the purpose of soil and water conservation, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.'' The Secretary of Agriculture evaluates the conservation programs on the basis of criteria set forth in 7 NYCRR Part 14, and makes a ''primary Purpose'' determination for the payments made under these conservation programs do not substantially increase the annual income derived from property benefited by the payments.

Section 11–b of the New York Soil and Water Conservation Districts Law establishes a matching grant program to fund the implementation of agricultural nonpoint source abatement and control projects. The section was added by Chapter 436 of the Laws of 1989. The New York Environmental Protection Act of 1993 established an Environmental Protection Fund which authorizes use of Fund monies for Section 11–b projects. Eight hundred thousands dollars has been allocated for such projects in 1994–95.

''Agricultural nonpoint source abatement and control program'' has been defined in Section 3 of the Soil and Water Conservation Districts Law as ''a program consisting of activities and projects for the abatement and reduction of water pollution from agricultural nonpoint sources through the installation, operation and maintenance of best management practices.'' The program must include activities and projects for controlling losses from the land, including nutrients, particularly nitrogen and phosphorus, pathogens, toxic contamination of surface waters and ground waters from heavy metals, pesticides of siltation and eutrophication of streams, rivers, lakes and other water bodies.

Projects must be located within a priority water body as identified by the Commissioner of Environmental Conservation and must propose to implement best management practices such as structural and nonstructural controls and operation and maintenance procedures designed to prevent or reduce the amount of pollutants generated by nonpoint sources. Matching grants will be awarded up to a maximum of 50 percent of the eligible costs for any specific project. The maximum shall be increased up to 75 percent of eligible costs depending on contributions by the owner or operator of agricultural land upon which the project is being conducted.

Procedural Matters

The authorizing legislation, guidance documents, and operating procedures regarding the New York State Agricultural Nonpoint Source Abatement and Control Matching Grant Program have been examined using the criteria set forth in 7 CFR Part 14. The Department of Agriculture has concluded that the cost-share payments made for installation of capital improvements and implementation of best management practices under this Program are made to provide financial assistance to eligible persons primarily for the purpose of soil and water conservation, and protecting or restoring the environment, by abating and controlling agricultural nonpoint sources of pollution.

A ''Record of Decision, New York State Agricultural Nonpoint Source Abatement and Control Matching Grant Program, Primary Purpose Determination for Federal Tax ''Purpose'' has been prepared and is available upon request from the Director, Conservation and Ecosystem Assistance Division, Natural Resources Conservation Service, P.O. Box 2890, Washington, D.C. 20013, or the Executive Director of the New York State Soil and Water Conservation Committee, 1 Winners Circle, Capital Plaza, Albany, NY 12235.

Determination

As required by Section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, guidance documents, and operating procedures regarding the New York State Agricultural Nonpoint Source Abatement and Control Program. In accordance with the criteria set out in 7 CFR Part 14, I have determined that all cost-share payments for purchase and installation of capital improvements or implementation of best management practices made under this Program are primarily for the purpose of soil and water conservation, and protecting or restoring the environment, by abating and controlling agricultural nonpoint sources of pollution. Subject to further

determination by the Secretary of the Treasury, that payments made under these conservation programs do not substantially increase the annual income derived from the property benefitting by these payments, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of such cost-share payments made under said program.

Signed at Washington, DC on August 21, 1996.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 96–24757 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–01–M

Skaneateles Lake Watershed Agricultural Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that all payments for implementation of best management practices made to individuals by the City of Syracuse under the Skaneateles Lake Watershed Agricultural Program (''SLWAP'') are made primarily for the purpose of conserving soil and water resources and protecting or restoring the environment. This determination is made in accordance with Section 126 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 126. This determination permits recipients of these payments for implementation of best management practices to exclude them from gross income to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Lee Neville, Watershed Control Coordinator, City of Syracuse Department of Water, 101 N. Beech St., Syracuse, NY 13210, (315) 473–2609 or Director, Land Treatment Program Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, DC 20013, (202) 720–1870.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 126, provides that certain payments made to persons under state conservation programs may be excluded from the recipients' gross income for Federal income tax purposes, if the Secretary of Agriculture determines that payments are made ''primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.'' The Secretary of Agriculture evaluates the conservation programs on the basis of criteria set forth in 7 CFR Part 14, and makes a ''primary purpose'' determination for the payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by the payments.

The City of Syracuse is authorized by Article 11 of the New York State Public Health Law and 10 New York Code of Rules and Regulations (NYCRR) part 131.1 to regulate and protect the Skaneateles Lake Watershed. Skaneateles Lake is the City's prime source of drinking water. It provides an average of 45 million gallons per day to 200,000 people. The City has been able to avoid the filtration mandate of the Federal Safe Drinking Water Act by successfully implementing a watershed protection program in accordance with 40 CFR § 141.71. Filtration avoidance is considered the proper option for the city to pursue because of the high quality of Skaneateles Lake Water and the City's belief that water quality should be maintained at the source and not through the imposition of a chemical treatment process. One of the City of Syracuse's water quality improvement programs establishes Best Management Practices (BMPs) for agricultural operations, especially dairy farms, in the Skaneateles Lake Watershed. The program is set forth and authorized pursuant to City of Syracuse Ordinances #1994–93, #1994–442, #1995–383, and #1995–392. The City of Syracuse has jurisdiction over the Skaneateles Lake Watershed pursuant to 10 NYCRR § 131.1. The City's Watershed agricultural program is designed, following the model set forth by New York City, to protect the Lake from non-point source pollution while at the same time maintaining the economic viability of agriculture in the watershed. Agriculture is believed to be the best land use for the long term environmental health of the Lake's watershed. The Program uses a ''whole farm planning''/best management practices approach to watershed protection. Payments to farmers participating in the Program for which the Section 126 exclusion is sought will be made for implementation of best management practices which further the water quality goals of the Program. The exclusion would not apply to incentive payments to farmers to be made under the Program to encourage assistance in preparation of whole farm plans and participation in demonstration field days or farm tours.

Procedural Matters

The authorizing legislation, regulations, and operating procedures regarding the Skaneateles Lake Watershed Agricultural Program have been examined using the criteria set forth in 7 CFR Part 14. The Department of Agriculture has concluded that the payments made for implementation of best management practices under this program are made to provide financial assistance to eligible persons primarily for the purpose of conserving soil and water resources and protecting or restoring the environment.

A ''Record of Decision, Skaneateles Lake Watershed Agricultural Program, Primary Purpose Determination for Federal Tax Purpose'' has been prepared and is available upon request from the Director, Land Treatment Program Division, Soil Conservation Service, P.O. Box 2890, Washington, DC 20013, or from the Watershed Program Coordinator, City of Syracuse Department of Water, 101 N. Beech St., Syracuse NY 13210.

Determination

As required by Section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures regarding the Skaneateles Lake Watershed Agricultural Program. In accordance with the criteria set out in 7 CFR Part 14, I have determined that all payments for the implementation of best management practices made under this program are primarily for the purpose of conserving soil and water resources and protecting or restoring the environment. Subject to further determination by the Secretary of the Treasury, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of such payments for implementation of best management practices made under said program.

Dan Glickman,

Secretary.

[FR Doc. 96–24811 Filed 9–26–96; 8:45 am]

BILLING CODE 3014–16–M

Agricultural Marketing Service

[Docket No. FV96–930–1NC]

Notice of Request To Approve an Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], this notice announces the Agricultural Marketing Service's (AMS) intention to request an information collection for a proposed marketing order for tart cherries. Information collection approval is necessary at this time since tart cherry growers and handlers who are nominated to serve as representatives on the Cherry Industry Administrative Board (Board) would need to file nomination forms and background acceptance statements with the Secretary of Agriculture. The proposed marketing order includes Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin, Marketing Order No. 930.

DATES: Comments on this notice must be received by November 26, 1996, to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1220 SW Third Avenue, Room 369, Portland OR 97204, Tel: (503) 326–2724, Fax (503) 326–7440.

SUPPLEMENTARY INFORMATION:

Title: Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin, Marketing Order No. 930.

OMB Number: 0581–0177.

Expiration Date of Approval: 3 years from date of approval.

Type of Request: Approval of the collection of information under a new proposed marketing order for tart cherries.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 [7 U.S.C. 601–674], (AMAA), as amended, industries enter into marketing order programs. The Secretary of Agriculture is authorized to oversee the orders' operations and issue regulations recommended by a committee of representatives from each commodity industry.

The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the proposed tart cherry marketing order program.

If an order is implemented, the Board would have to be established. The Board is the organization responsible for local administration of the marketing order. This would entail individuals that are nominated to complete qualification statements to ensure such person is qualified to serve on the Board.

The information collected is used only by authorized representatives of the Department of Agriculture (USDA), including AMS, Fruit and Vegetable Division regional and headquarter's staff, and authorized employees of the Board. AMS is the primary user of the information and authorized committee employees are the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.2602 hours per response.

Respondents: Tart cherry producers and for-profit businesses handling fresh and processed tart cherries produced in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin.

Estimated Number of Respondents: 1,678.

Estimated Number of Responses per Respondent: 0.854.

Estimated Total Annual Burden on Respondents: 373 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the functioning of the proposed tart cherry marketing order program and USDA's oversight of that program; (2) the accuracy of the collection burden estimate and the validity of methodology and assumptions used in estimating the burden on respondents; (3) ways to enhance the quality, utility, and clarity of the information requested; and (4) ways to minimize the burden, including use of automated or electronic technologies.

Send comments to: Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, 1220 SW Third Avenue, Room 369, Portland OR 97204. All comments received will be available for public inspection during regular business hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 23, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–24780 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–02–P

[Docket No. FV96–923–1 NC]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension for and revision to a currently approved information collection for Sweet Cherries Grown in Designated Counties in Washington, Marketing Order No. 923, and Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon, Marketing Order No. 924.

DATES: Comments on this notice must be received by November 26, 1996, to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Contact Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1220 SW Third Avenue, Room 369, Portland, OR 97204, Tel: (503) 326–2724, Fax: (503) 326–7440.

SUPPLEMENTARY INFORMATION:

Washington Sweet Cherries

Title: Sweet Cherries Grown in Designated Counties in Washington, Marketing Order No. 923.

OMB Number: 0581–0133.

Expiration Date of Approval: April 30, 1997.

Type of Request: Extension and revision of a currently approved information collection.

Washington-Oregon Prunes

Title: Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon, Marketing Order No. 924.

OMB Number: 0581–0134.

Expiration Date of Approval: March 31, 1997.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Marketing order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674), marketing order programs are established if favored in referendum among producers. Such a process determines if the handling of the commodity is to be regulated. The Secretary of Agriculture is authorized to oversee marketing order operations and issue regulations recommended by a committee of representatives from each commodity industry.

The information collection requirements in this request are essential to carry out the intent of the AMAA, to provide the respondents the type of service they request, and to administer the Washington cherry marketing order program and the Washington-Oregon fresh prune marketing order program. Both programs have been operating since 1957 and 1960, respectively.

Both marketing orders authorize the issuance of grade, size, quality, maturity, pack, container, inspection, and reporting requirements. In addition, the Washington prune order also authorizes the issuance of container marking requirements. Both the Washington cherry order and Washington prune order also authorize the establishment of marketing research and development projects. The Washington prune order also authorizes the establishment of production research. Regulatory provisions apply to Washington cherries and prunes shipped both within and out of the production area to any market, except those specifically exempt. These forms enable the committees, and thus, the Secretary to better monitor exempt shipments and ensure compliance with provisions of the marketing orders and the AMAA.

Under the Washington cherry and prune marketing orders, producers and handlers are nominated by their respective peers. These nominees then serve as representatives on their respective committees and must file nomination forms with the Secretary.

Formal rulemaking amendments to the orders must be approved in referenda conducted by the Secretary. Also, the Secretary may conduct a continuance referendum to determine industry support for continuation of these marketing order programs. Handlers are asked to sign an agreement to indicate their willingness to abide by the provisions of the respective orders whenever an order is amended. These forms are included in this request.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Division regional and headquarters staff, and authorized employees of the committee. AMS is the primary user of the information and authorized committee employees are the secondary users.

These forms require the minimum information necessary to effectively carry out the requirements of the orders, and their use is necessary to fulfill the intent of the AMAA as expressed in both orders, and the rules and regulations issued under the orders.

Washington Cherries

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.199 hours per response.

Respondents: Cherry producers and for-profit businesses handling sweet cherries produced in designated counties in Washington.

Estimated Number of Respondents: 1,265.

Estimated Number of Responses per Respondent: 0.273.

Estimated Total Annual Burden on Respondents: 69 hours.

Washington-Oregon Prunes

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.248 hours per response.

Respondents: Prune producers and for-profit businesses handling fresh prunes produced in designated counties in Washington and Umatilla County, Oregon.

Estimated Number of Respondents: 413.

Estimated Number of Responses per Respondent: 0.22.

Estimated Total Annual Burden on Respondents: 23 hours.

Comments are invited on: (1) 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) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference either or both OMB No. 0581–0133 (Washington Cherry Marketing Order No. 923), and OMB No. 0581–0134 (Washington-Oregon Prune Marketing Order No. 924), and be sent to USDA in care of Teresa L. Hutchinson, Marketing Specialist, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1220 SW Third Avenue, Room 369, Portland, OR 97204. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: September 23, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–24781 Filed 9–26–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[MT–960–1990–00–CCAM; MTM 84500]

Notice of Intent To Prepare an Environmental Impact Statement; Notice of Public Meetings; Montana, Wyoming

AGENCY: Forest Service and Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior, Bureau of Land Management, with concurrence from the Department of Agriculture, Forest Service, proposes to withdraw, for 20 years, approximately 22,000 acres of Federal mineral estate, and any non-Federal minerals that may be acquired in the future, from location and entry under the mining laws. This mineral withdrawal is being proposed to protect the watersheds within the drainages of

the Clarks Fork of the Yellowstone, Soda Butte Creek, and the Stillwater River, and the water quality and fresh water fishery resources within Yellowstone National Park. Based on comments received during the earlier public scoping period and preliminary analysis of environmental impacts, the BLM and FS will jointly prepare an EIS that displays the effects of the proposed mineral withdrawal in Park County, Montana.

DATES: Public meetings will be held in Cody, Wyoming, on Oct. 23, 1996, at the Cody Club Room, and in Livingston, Montana, on Oct. 24, 1996, at the Yellowstone Motor Inn. Both meetings will use an Open House format and the BLM and FS officials will be present from 3:00 p.m. until 7:30 p.m. each day to discuss the proposed mineral withdrawal and answer questions.

FOR FURTHER INFORMATION CONTACT: Comments about the proposed mineral withdrawal may be sent to the Cooke City Area Mineral Withdrawal Team, P.O. Box 36800, Billings, Montana 59107.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare a NEPA analysis was published in the Federal Register, 61 FR 27366, May 31, 1996. Notice was given that a series of meetings would be held to provide an opportunity for public involvement regarding the proposed withdrawal and the preparation of a NEPA analysis. Based on comments received in letters and at the public scoping meetings, as well as the preliminary analysis of issues and environmental impacts, the BLM and FS have determined that it is appropriate to prepare an EIS for the proposed mineral withdrawal.

Dated: September 18, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

Dated: September 18, 1996.

Sherry L. Milburn,

Acting Forest Supervisor, Custer National Forest.

[FR Doc. 96–24759 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–DN–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Propose additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 28, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been propose for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Pillow, Bed
7210–01–395–7921
NPA: Georgia Industries for the Blind, Bainbridge, Georgia

Towel, Paper
7920–00–823–6931
NPA: Maine Center for the Blind & Visually Impaired, Portland, Maine

Services

Administrative Services
Social Security Administration
Active Files Unit
Philadelphia, Pennsylvania
NPA: Elwyn, Inc., Concordville, Pennsylvania

Janitorial/Custodial
Naval and Marine Corps Reserve Center
Broken Arrow, Oklahoma
NPA: Gateway Foundation, Inc., Broken Arrow, Oklahoma

Janitorial/Custodial
James River Reserve Fleet Buildings
Administration Building 2606 and Tech Support Building
Fort Eustis, Virginia
NPA: Association for Retarded Citizens of the Peninsula, Inc., Hampton, Virginia

Recycling Service
Naval Surface Warfare Center
Bethesda, Maryland
NPA: CHI Centers, Inc., Silver Spring, Maryland

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–24840 Filed 9–26–96; 8:45 am]

BILLING CODE 6353–01–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 28, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on

the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will result in authorizing small entities to furnish the commodity and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Head Harness, Skull Cap

4240–01–390–3057

NPA: Cambria County Association for the Blind & Handicapped, Johnstown, Pennsylvania

Service

Administrative Services

GSA, Federal Supply Service Bureau

Service Acquisition Center

Arlington, Virginia

(80% of the Government's requirement)

NPA: Virginia Industries for the Blind, Richmond, Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–24841 Filed 9–26–96; 8:45 am]

BILLING CODE 6353–01–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR BEVERLY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: October 28, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On August 2 and 16, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (61 F.R. 40395 and 42583) of proposed additions to the Procurement List

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Administraitve Services

Chief of Naval Education and Training (CNET)

Pensacola, Florida

Janitorial/Custodial

Luke Air Force Base, Arizona

Janitorial/Custodial

Base Fitness Center

MacDill Air Force Base, Florida

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–24842 Filed 9–26–96; 8:45 am]

BILLING CODE 6353–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Alaska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene on Thursday, October 17, 1996, at 1:00 p.m. and adjourn at 3:00 p.m., at the Anchorage Hilton, 500 West Third Avenue, Anchorage, Alaska 99501. The purpose of the meeting is to review current civil rights developments in the State and plan future program activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Gilbert Gutierrez, 907–443–5682, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, September 18, 1996.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 96–24772 Filed 9–26–96; 8:45 am]

BILLING CODE 6335–01–P

International Trade Administration

Exporters' Textile Advisory Committee; Notice of Re-establishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR part 101–6, and after consultation with GSA, the Secretary of Commerce has determined that the re-establishment of the Exporters' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee shall provide advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee shall consist of approximately 35 members appointed by the Secretary of Commerce to ensure a balanced representation of textile and apparel products. Representatives of small, medium and large firms with broad geographical distribution in exporting shall be included on the Committee.

The Committee shall function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. The Charter will be filed under the Act, 15 days from the date of publication of this notice.

Interested persons are invited to submit comments regarding the re-establishment of this Committee to Troy H. Cribb, Deputy Assistant Secretary for Textiles, Apparel and Consumer Goods Industries, U.S. Department of Commerce, Washington, DC 20230 telephone: (202) 482–3737.

Dated: September 20, 1996.

D. Michael Hutchinson,

Acting Deputy Assistant Secretary for Textiles, Apparel and Consumer Goods Industries.

[FR Doc.96–24787 Filed 9–26–96; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 950710176–6258–02; I.D. 080796B]

RIN 0648–AE50

Magnuson Act Provisions; Removal of Spawning Closure Provisions from the Preliminary Fishery Management Plan (PMP) for Atlantic Herring

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

ACTION: Removal of spawning closure provisions.

SUMMARY: NMFS announces a revision to the Atlantic herring PMP that removes the spawning closure provisions. The revision is necessary to allow a joint venture for Atlantic herring to be conducted in previously closed areas and is intended to provide additional opportunities to domestic fishers.

EFFECTIVE DATE: September 26, 1996.

ADDRESSES: Copies of the revised PMP for Atlantic herring may be obtained from E. Martin Jaffe, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, Fishery Policy Analyst, 508–281–9272.

SUPPLEMENTARY INFORMATION: The PMP, which set the initial specifications for Atlantic herring, provides joint venture opportunities in the exclusive economic zone by allocating a portion of the allowable biological catch for joint venture processing (JVP). The PMP also established permit conditions and restrictions for foreign vessels that participate in joint venture fisheries.

The preparation of the PMP last year followed the provisions of the Atlantic States Marine Fisheries Commission (ASMFC) plan and was accomplished rapidly to accommodate requests from the industry. The need to have access to the resource during the spawning season was not fully considered. Both ASMFC and the New England Fishery Management Council (Council) have now reconsidered the spawning closure provisions, which may hinder industry development, and have concluded that the restriction is unnecessary and should be removed. At its April 5, 1996, meeting, the ASMFC's Atlantic Herring Section voted to request that NMFS remove the spawning area closure provisions from Sea Herring Management Areas 2 and 3. ASMFC's request is consistent with the Council's motion supporting such an action.

The recent Atlantic herring stock assessment showed an increase in spawning stock biomass of 1 million metric tons (mt) compared to the previous (Northeast Fisheries Science Center, 1993) assessment; the spawning stock biomass almost doubled between the 1992 and 1993 assessments. Given the high stock level, removal of the spawning closures during the months of October and November on Georges Bank and in the southern New England/Mid-Atlantic Region would provide access to foreign processing vessels and, with current levels of herring abundance, the removal of even 40,000 mt (the total amount currently available for JVP harvest), would have only a minimal impact on the stock. Furthermore, collection of biological data during the spawning season will provide valuable information for making future decisions regarding spawning closures.

This notification informs the public that the PMP has been revised to remove the spawning closure provisions.

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

This action is categorically excluded from the requirement to prepare an environmental assessment in accordance with NOAA Administrative Order 216–6 because it does not result in a significant change in the original environmental action prepared for the PMP. The removal of the spawning closures from the PMP provides access to foreign processing vessels engaged in a joint venture with U.S. vessels so that the former could receive fish from the latter. The foreign vessels would not be permitted to place nets in the water. Without the PMP change, U.S. fishing vessels will not be able to deliver their catch from the areas in question to their joint venture partners.

The Assistant Administrator for Fisheries, NOAA, finds that there is good cause to waive providing prior notice and opportunity for comment under 5 U.S.C. 553(b)(B). Providing prior notice and opportunity for comment is impractical and contrary to the public interest due to the need to provide timely opportunity for joint ventures to occur this Fall in an underutilized fishery. Because this action relieves a restriction under 5 U.S.C. 553(d)(1), there is no need to delay its effectiveness for 30 days.

Because prior notice and opportunity for comment is not required for this action, no initial or final regulatory flexibility analysis is required to be prepared by the Regulatory Flexibility Act, and none was prepared.

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

Dated: September 20, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–24746 Filed 9–26–96; 8:45 am]

BILLING CODE 3510–22–F

[Docket No. 960917261–6261–01; I.D. 061396A]

RIN 0648–AI27

Fisheries of the Northeastern United States; Amendment 9 to the Atlantic Surf Clam and Ocean Quahog Fishery Management Plan

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

ACTION: Notification of approval of overfishing definitions.

SUMMARY: NMFS announces approval of Amendment 9 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). The amendment revises overfishing definitions for Atlantic surf clams and ocean quahogs in compliance with the NOAA Guidelines for Fishery Management Plans.

EFFECTIVE DATE: September 27, 1996.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, 508-281-9104.

ADDRESSES: Copies of Amendment 9 and the environmental assessment are available from David Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19901–6790.

SUPPLEMENTARY INFORMATION:

Background

The FMP directs the Secretary of Commerce, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range defined by the FMP as the optimum yield for each fishery. During its discussion of the 1996 quota recommendations, the Council considered revising the overfishing definitions specified in the FMP. Overfishing is presently defined for both species in terms of actual yield levels. That is, overfishing is defined as harvests in excess of the specified quota levels. This definition does not incorporate biological considerations to protect against overfishing. NMFS has concluded that a harvesting strategy based on Council policy is no longer acceptable, since it depends on the Council taking appropriate action, rather than adhering to a rate-based biological standard. The Council, in cooperation with NMFS, determined that overfishing definitions based on maximum spawning potential (MSP) would be appropriate for these fisheries. Following several meetings with industry and one public hearing, the Council adopted Amendment 9 at its May 1996 meeting. A notice of availability of Amendment 9 that outlined the proposed revision of the overfishing definitions and requested public comments was published in the Federal Register on June 20, 1996 (61 FR 31499). No comments were received.

Overfishing Definitions

The approved overfishing definitions contained in Amendment 9 are fishing mortality rates of $F_{20\ percent}$ (20 percent of Maximum Spawning Potential (MSP)) for surf clams and $F_{25\ percent}$ (25 percent of MSP) for ocean quahogs. These levels equate to annual exploitation rates of 15.3 and 4.3 percent for surf clams and ocean quahogs, respectively.

Classification

The Director, Northeast Region, NMFS, determined that Amendment 9 is necessary for the conservation and management of the Atlantic surf clam and ocean quahog fisheries and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable laws.

This action is exempt from OMB review under E.O. 12866.

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

Dated: September 20, 1996.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–24671 Filed 9–26–96; 8:45 am]

BILLING CODE 3510–22–F

Patent and Trademark Office

Practitioner Records Maintenance and Disclosure Before the PTO

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 26, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments(s) and instructions should be directed to Craig R. Feinberg, Patent and Trademark Office, Washington, DC 20231, (703) 308–5316, extension 10.

SUPPLEMENTARY INFORMATION:

I. Abstract

These collections are necessary to insure compliance with the Patent and Trademark Office (PTO) Code of Professional Responsibility. The code requires that attorneys and agents maintain complete records of a client in accordance with 37 CFR § 10.112(c)(3), and report violations of the Code and evidence of such violations to the PTO in accordance with 37 CFR §§ 10.23(c)(16) and 10.24. The code further mandates that attorneys and agents cooperate with the Director of the Office of Enrollment and Discipline in connection with any investigation in accordance with 37 CFR § 10.131(b).

II. Method of Collection

By mail, facsimile, and hand carry, when an individual is required to participate in the information collection.

III. Data

OMB Number: 0651–0017.

Form Numbers: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Affected Public: Individuals.

Estimated Number of Respondents: 350 for recordkeeping maintenance, and 85 for violation reporting.

Estimated Time Per Response: 9 hours for record keeping maintenance, and 1½ hours for violation reporting.

Estimated Total Annual Burden Hours: 3278 hours.

Estimated Total Annual Cost: $170,250.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 19, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–24782 Filed 9–26–96; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)/ TRICARE Program Overseas

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of the TRICARE program to be implemented overseas.

SUMMARY: The purpose of this notice is to describe the means by which managed care activities designed to improve the delivery and financing of health care services in the Military Health Services System (MHSS) are carried out overseas.

In September, 1994 and August, 1995, (59 FR 45668 and 60 FR 43436 respectively) the Department of Defense (DoD) published a notice of a CHAMPUS demonstration project to be implemented in Europe and the exercise of the first of two option years, respectively. Under this program, active duty family members who were unable to access services in a military treatment facility (MTF) could obtain both inpatient and outpatient services through local national medical facilities. Care received under this demonstration project required neither the cost shares nor deductibles normally collected for services under standard CHAMPUS. This demonstration was proposed for the purpose of testing whether special agreements with host nation medical providers, together with the elimination of CHAMPUS deductibles and cost shares, could enhance beneficiary access to required care. This demonstration is scheduled to conclude at the end of the current fiscal year. In October, 1995 (60 FR 52078) the TRICARE rule was published. With the publication of this rule, DoD officially embarked on a new program to improve the quality, cost, and accessibility of services for its beneficiaries.

The fundamental role of U.S. military medical assets overseas is to maximize the operational readiness of our military forces. This program honors that fundamental responsibility and acknowledges that operational readiness requires a commitment to active duty military members, their families residing with them overseas and support personnel of the Department of Defense overseas.

Unique to TRICARE overseas are several different initiatives which will be utilized to enhance beneficiary access, to ensure quality, and to facilitate efficiency of health care delivery, made more challenging, given the many different countries, significant cultural differences and languages involved. A special CHAMPUS/ TRICARE program is authorized by 32 CFR 199.17(u) for family members of active duty members who accompany the members in their assignments in foreign countries. Under this special program, a preferred provider network will be established through contracts or agreements with selected health care providers. Under the network, CHAMPUS covered services will be provided to active duty family members who enroll in TRICARE ''Prime'' (the Health Maintenance Organization-type program) with all CHAMPUS requirements for deductibles and copayments waived. It is expected that, by October 1, 1997, the preferred provider network will have been more completely developed and the mechanism for enrollment will have matured to the extend that those who choose to enroll in Prime and who do not obtain preauthorization for emergency care from a non-participating provider will be subject to copays and deductibles. Emergency care will be reimbursed at the TRICARE Prime rate. Until that time, active duty family members who are not enrolled in TRICARE Prime, but who obtain care from a participating provider in the network will have cost shares and deductibles waived. After October 1, 1997, those family members who choose not to enroll in TRICARE Prime will be subject to the CHAMPUS copayments and deductibles. They will, of course, retain access to the direct care system, on a space available basis, and will be able to choose TRICARE Standard.

The Department has noted significant improvement in health care delivery services for its beneficiaries overseas. Service members and their families, particularly those in remote areas, have experienced improved access to health care services. Billing practices, once a source of major dissatisfaction among local providers, have been streamlined, resulting in far fewer payment delays. A firm foundation has now been installed for the Overseas TRICARE Preferred Provider Networks, and may host nation health care providers, of all specialities, are interested in participating. The time has come to formalize the establishment of a basic structure for the enrollment system, the benefit, and the network of preferred providers.

A key ingredient of most private sector health plans is enrollment of beneficiaries in their respective health care plans. The basis structure of health care enrollment for the MHSS, established in the TRICARE regulation, will also apply overseas. Under this structure, all health care beneficiaries who enroll in the TRICARE Prime option become participants in TRICARE. Beneficiaries are classified into one of five categories:

(1) Active duty members, all of whom will be automatically enrolled in TRICARE Prime;

(2) TRICARE Prime enrollees, who (except for active duty members) must be CHAMPUS-eligible;

(3) TRICARE Standard participants, which include all CHAMPUS-eligible beneficiaries who do not enroll in TRICARE Prime; and

(4) CHAMPUS-eligible retirees who will be considered for enrollment, beginning October 1, 1997; and

(5) Medicare-eligible beneficiaries, and other non-CHAMPUS-eligible DoD beneficiaries, who, although not eligible for TRICARE Prime, may participate in many features of TRICARE.

The TRICARE program overseas will employ a dual option benefit. CHAMPUS-eligible beneficiaries will be offered two options: they may (1) enroll to receive health care in the Health Maintenance Organization (HMO)-type program called ''TRICARE Prime'' and have cost shares and deductibles waived; or (2) choose to receive care under ''TRICARE Standard'' (TRICARE Standard is the same as standard CHAMPUS), and will be subject to CHAMPUS copayments after October 1, 1997. TRICARE Prime enrollees retain the freedom to obtain services from civilian providers on a point-of-service basis. In such cases, all requirements applicable to standard CHAMPUS

apply, except that there are higher deductible and cost sharing requirements. Under Prime, for care not authorized by the PCM or Health Care Finder, the deductible is $300 per person and $600 per family. The beneficiary cost share is fifty percent of the allowable charge for inpatient and outpatient care, after the deductible.

All beneficiaries continue to be eligible to receive care in MTFs, but active duty family members who enroll in TRICARE Prime will have priority over other non-active duty beneficiaries.

Health benefits established for the Uniform HMO Benefit option are applicable to CHAMPUS-eligible enrollees in TRICARE Prime overseas.

The Health Care Finder function will be established overseas. The Health Care Finder is an administrative office that assist beneficiaries in being referred to appropriate health care providers, especially the MTF and civilian network providers. Health Care Finder services are available to all Prime enrollees.

Physician liaisons will be utilized in TRICARE overseas. They will be qualified, bilingual, host-nation providers who will serve as liaisons to the military medical community in the local area.

Each Prime enrollee will select or be assigned a Primary Care Manager who typically will be the enrollee's health care provider for most services, and will serve as a referral agent to authorize more specialized treatment, if needed. Health Care Finder offices will also assist enrollees in obtaining referrals to appropriate providers. Referrals for care will give first priority to the local MTF; other referral priorities and practices will be specified during the enrollment process.

Enrollment will occur through completion of an enrollment application, which is processed by a TRICARE Service Center. A complete explanation of the features, rules and procedures of the program in the particular locality involved will be available at the time enrollment is offered. These features, rules and procedures may be revised over time, coincident with reenrollment opportunities.

A TRICARE Service Center will be available for each medical treatment facility. This office will serve as the enrollees' resource for health care information regarding health care appointments, referrals to military or civilian health care providers, the local preferred provider network, and patient liaison representatives.

To the extent applicable overseas, all requirements of the CHAMPUS basic program relating to quality assurance, utilization review, and preauthorization of care apply to the CHAMPUS components. These requirements and procedures may also be made available to MTF services.

A major feature of the TRICARE Program is the civilian preferred provider network. Providers in the preferred provider network are not employees or agents of the Department of Defense or the United States Government. Rather, they are independent entities having business arrangements with the government. Although network providers must follow numerous rules and procedures of the TRICARE program, on matters of professional judgment and professional practice, the network provider is independent and not operating under jurisdiction and control of the Department of Defense. Overseas, the ''any qualified provider'' method will be used. Basically, each provider will be required to meet certain criteria, such as, speak English or provide interpreter services, accept CHAMPUS assignment, submit bills, and maintain credentials as required by the applicable host nation. Network providers must be approved by the cognizant MTF commander. MTF commanders will evaluate host nation providers for inclusion in the network on the basis of a good record of quality, according to guidelines and standards established and agreed upon by the Executive Steering Committee, the Lead Agent, and/or MTF commanders, as appropriate.

TRICARE Prime overseas will meet the same access standards as TRICARE CONUS. Included within these standards are maximum waiting times for primary care appointments of one day for acute care, one week for routine care and four weeks for a well visit. Maximum wait times for specialty care appointments are one day for urgent care and four weeks for a routine visit (or as specified by the primary care manager). Travel time for primary care should not exceed thirty minutes. Travel time for specialty care is subject to local conditions and reliance on aeromedical evacuation. Emergency and urgent care services must be available 24 hours a day, seven days a week.

The network shall include a sufficient number and mix of qualified specialists to meet reasonably the anticipated needs of enrollees. Travel time for specialty care shall not exceed one hour under normal circumstances, unless a longer time is necessary because of the absence of providers (including providers not part of the network) in the area.

Enrollees who require services while visiting in CONUS will be required to call a designated toll-free number for assistance with authorization, referrals, and claims and will be subject to the normal fees required of TRICARE Prime enrollees in CONUS, generally $6 or $12 per visit and $30 for emergency room services.

The MTF commander (or other authorized official) may establish a preferred provider network by following the ''any qualified provider'' method set forth in the following section.

The ''any qualified provider'' method may be used to establish a civilian preferred provider network. Under this method, any CHAMPUS-authorized provider within the geographic area involved who meets the qualification standards established by the MTF commander (or other authorized official) may become a part of the preferred provider network.

Qualifications include:

(1) The provider must be approved by the appropriate military authority.

(2) The provider must be a Participating Provider under CHAMPUS for all claims.

(3) The provider must meet all other qualification requirements, and agree to all other rules and procedures that are established, publicly announced, and uniformly applied by the commander (or other authorized official) in a specific geographic location.

(4) The provider must enter into a formal preferred provider network agreement covering all applicable requirements. Such agreements will be for a duration of one year, are renewable, and may be canceled by the provider or the MTF commander (or other authorized official) upon appropriate notice to the other party. The Deputy Assistant Secretary (Health Services Financing) shall establish an agreement model or other guidelines to promote uniformity in the agreements.

All fraud, abuse, and conflict of interest requirements for the basic CHAMPUS program are applicable to the TRICARE program overseas.

Some portions of the TRICARE program overseas may be implemented separately; for example, a program covering a subset of health care services, such as mental health services. In addition, a partial implementation of TRICARE may include offering TRICARE Prime to limited groups of beneficiaries in remote sites; some of the normal requirements of TRICARE Prime may be waived in this regard.

The Assistant Secretary of Defense (Health Affairs), the Director, TRICARE Support Office, and MTF commanders (or other authorized officials) are authorized to establish administrative requirements and procedures, consistent

with this section, this part, and other applicable DoD Directives or Instructions, for the implementation and operation of the TRICARE program overseas.

The benefit referred to in this Notice for TRICARE Prime enrollees is the HMO Benefit option, outlined in the TRICARE regulation, which incorporates the existing CHAMPUS benefit package, with potential additions of preventive services and a case management program to approve coverage of usually noncovered health care services (such as home health services) in special situations.

EFFECTIVE DATE: October 1, 1996.

POINT OF CONTACT: Carol Ortega, Chief, Special Projects and Policy Formulation, OASD(HA)(HSF Policy), (703) 697–8975.

Dated: September 24, 1996.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–24815 Filed 9–26–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Navy

Chief Of Naval Operations (CNO) Executive Panel; Closed Meeting

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet October 11, 1996 from 1:45 p.m. to 2:45 p.m. in room 4E630, Pentagon, Washington, DC. This session will be closed to the public.

The purpose of this meeting is to conduct discussions on the Planning, Programming and Budgeting Process, Navy modernization strategies, resource allocation, and manpower issues. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly, classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

FOR FURTHER INFORMATION: Contact Janice Graham, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302–0268, telephone number (703) 681–6205.

Dated: September 18, 1996.

Donald E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–24762 Filed 9–26–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Public Meetings on Electricity Restructuring

AGENCY: Office of Policy, U.S. Department of Energy.

ACTION: Notice of public meetings.

SUMMARY: The U.S. Department of Energy is announcing two public meetings to solicit input from affected constituencies before formulating the Department's recommendation respecting electric industry restructuring. Two additional meetings in proximity to the scheduled dates will be announced at a later date. Each meeting will focus on specific issue areas, however, participants will be allowed to address other topics pertaining to electric industry restructuring.

DATES: October 10, 1996: Sayreville, New Jersey; October 22, 1996: Santa Fe, New Mexico.

INFORMATION HOTLINE: (423) 576–3610.

Issued in Washington, D.C. September 23, 1996.

Marc Chupka,

Acting Assistant Secretary for Policy and International Affairs.

[FR Doc. 96–24734 Filed 9–25–96; 8:45 am]

BILLING CODE 6450–01–P

Bonneville Power Administration

Policy on Excess Federal Power

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy (DOE).

ACTION: Notice.

SUMMARY: On March 29, 1996, BPA initiated a public process to develop a policy to implement the excess federal power marketing provisions of the Energy and Water Development Act of 1996, Pub. L. No. 104–46, § 508(a) and (b), 109 Stat. 402, (1995) (codified at 16 U.S.C. § 832m) (hereinafter ''P.L. 104–46''). BPA published a proposed policy in the Federal Register for public review and received comment during a 60-day public comment period. BPA has considered all comments received and has finalized its policy to implement this new power marketing authority. The policy is published below.

A Record of Decision (ROD) regarding this policy has been prepared and explains the public process; the distinction between BPA's surplus power marketing under prior legislation and excess federal power marketing activities under P.L. 104–46; provides an overview and delineates BPA's final policy on excess federal power; responds to public comment; explains this action's compliance with the National Environmental Policy Act; and adopts a final policy on excess federal power.

The publication of this policy and execution of the ROD is a final action of the BPA Administrator under section 9(e) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. § 839(e).

ADDRESSES: Copies of the ROD may be obtained by calling BPA's toll-free document request line: 1–800–622–4520.

FOR FURTHER INFORMATION, CONTACT: David J. Armstrong—MPF, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number (503) 230–3658, fax number (503) 230–7568.

Policy on Excess Federal Power

I. Definitions

A. *Firm Contractual Obligations:* are those Bonneville sales or other dispositions of power entered into under and governed by sections 5(b) and 5(d) of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. 839c(b) and 839c(d). Such sales include the firm requirements power sales in the Pacific Northwest region to Bonneville's actual and planned computed requirements customers, metered requirements customers, direct-service industrial customers and investor-owned utility customers.

B. *Delayed-Delivery Contracts:* are contracts by Bonneville for the sale or disposition of power which provide for actual delivery of power to begin at some time after the effective date of the contract.

C. *Surplus Power:* shall have the same meaning as electric power which is surplus under section 5(f) of the Northwest Power Act. 16 U.S.C. 839c(f).

II. Determination of Excess Federal Power

A. *Reductions in Contractual Obligations under Sections 5(b) and 5(d) of the Northwest Power Act:*

1. As of January 1, 1995, BPA's Firm Contractual Obligations equaled 8298 average megawatts (aMW). This number

will be the baseline for comparing reductions in such obligations to determine annual amounts of excess federal power. This is a fixed number that will not change.

2. To determine the energy component of excess federal power, each year Bonneville will prepare a current forecast, in average megawatts, of Firm Contractual Obligations based upon its then-current contracts. In order to allow for sales or dispositions of excess federal power under Delayed-Delivery Contracts with delivery terms of up to 7 years, Bonneville will produce a 10-year annual average energy (average megawatts) forecast of its then-current Firm Contractual Obligations. For each year of the forecast period, the excess federal power in firm energy from reductions in Firm Contractual Obligations will equal the difference between the forecasted Firm Contractual Obligations and 8298 aMW.

3. Bonneville will calculate an amount of excess peaking capacity (megawatts) associated with reductions and increases in its then-current Firm Contractual Obligations by calculating an average annual load factor based on all of its forecasted Firm Contractual Obligations. This load factor will be applied to the result of the calculation in section (2) above to determine an amount of excess capacity.

B. *Operations of the Federal Columbia River Power System Primarily for the Benefit of Fish and Wildlife:* The amount of excess federal power resulting from operations of the Federal Columbia River Power System primarily for the benefit of fish and wildlife is 129 average megawatts annually. The amount of excess peaking capacity associated with these operations is 129 megawatts. This is a fixed number that will not change unless there is a need to modify the number as determined by Bonneville.

C. *Net Excess Federal Power:* The sum of the results of the calculation in (2) above (the Reductions in Bonneville's sections 5(b) and 5(d) contractual obligations) and, unless modified, 129 aMW will be reduced by the amount of then-current sales or other dispositions of excess federal power to determine the net amount available for marketing in each year of the forecast period. Bonneville will determine this amount annually.

D. *Process:* The results of the preceding determinations will be included in an annual notification to Bonneville's then-existing regional customers, and at Bonneville's discretion, non-regional customers, of Bonneville's intent to market excess federal power. Bonneville may also include in this annual notification the amount of Surplus Power available for disposition.

III. Sales of Excess Federal Power in Any Region

A. Bonneville will, at its discretion, sell or otherwise dispose of excess federal power in any region consistent with its authority to market federal power under its authorizing legislation, including section 508 of the 1996 Energy and Water Development Appropriations Act (P.L. 104–46). The actual amount of power sold or otherwise disposed of as excess federal power will not exceed and may be less than the amount of Surplus Power projected to be available based upon Bonneville's then-current load/resource planning and the amount of excess federal power Bonneville determines to be available consistent with section II above.

B. Sales or other dispositions of excess federal power shall not be subject to the second sentence of section 5(a) of the Bonneville Project Act. 16 U.S.C 832d(a).

C. Bonneville will annually notify then-existing regional customers, and at its discretion, non-regional customers, of the amount of excess federal power resulting from the determinations in section II above. This notification will also contain the range of rates, terms and conditions within which Bonneville will market available power and may contain the amount of Surplus Power determined by Bonneville to be available for marketing. This notice will be an invitation to contract for the sale or other disposition of power consistent with the range of terms and conditions contained in the notice. Regional customers will have 30 days from the date of this notification to contact Bonneville with a request to purchase power consistent with the notice in order to have preference and priority to purchase the power. Upon such a request, Bonneville will enter into good faith negotiations for the sale or other disposition of power with the regional customer consistent with the general rate, terms and conditions contained in the notice. Upon conclusion of the negotiations, Bonneville will offer the power to the regional customer. If Bonneville receives competing requests to purchase excess federal power, Bonneville will proceed to negotiate sales consistent with public preference and then preference under section 508 of P.L. 104–46. Within each class of customer, Bonneville will negotiate and offer to sell, based upon the time of receipt of the request.

D. On a case by case basis, Bonneville will average the net amount of available excess federal power in each year of a proposed sale or other disposition to determine whether the amount of excess federal power is sufficient for a multi-year transaction.

E. All contracts for the sale or other disposition of excess federal power will be binding in accordance with their terms for the duration of the contract and will be firm obligations of the Administrator.

IV. Sales or Other Dispositions of Excess Federal Power to Purchasers Outside the Pacific Northwest Region

A. Bonneville will, at its discretion, sell or otherwise dispose of excess federal power, to purchasers outside the region for delivery terms of up to 7 years as permitted by section 508(b) of P.L. 104–46. Such transactions may be renewed subject to the availability of excess federal power. Prior to executing a renewal of one or more years, Bonneville will notify regional customers of the proposed renewal, consistent with the notice procedures for long-term transactions in subsection IV(C) below.

B. Sales or other dispositions of excess federal power to purchasers outside the region will not be subject to section 2, subsections (a), (b), and (c) of section 3, and section 7 of the Act of August 31, 1964, 16 U.S.C. 837a, 837b(a), (b) and (c), and 837f (the Northwest Preference Act), and section 9(c) of the Northwest Power Act, 16 U.S.C. 839f(c).

C. *Long-term Sales or Other Dispositions of Excess Federal Power To Purchasers Outside the Pacific Northwest:* For proposed sales or other dispositions of excess federal power to purchasers outside the region for a period of one or more years, Bonneville will notify then-existing regional customers of the proposed transactions. This notice will contain information on the essential rate, terms and conditions of the proposed out-of-region transaction as determined by Bonneville. Regional customers interested in purchasing the power under the rate, terms and conditions contained in the notice will have up to 30 days and no less than five days, as determined by Bonneville, to request a purchase. Upon a request to purchase, Bonneville will offer the power to the regional customer under the identical rate, terms and conditions in the notice, except those terms and conditions that clearly do not apply to the particular purchaser (such as points of delivery). This offer will remain open for five days.

D. *Short-term Sales or Other Dispositions of Excess Federal Power To Purchasers Outside the Pacific Northwest:*

1. *Primary Notice:* For proposed sales or other dispositions of excess federal power to purchasers outside the region for a period of less than one year, the annual notification in section III(C) above will be the primary notification.

2. *Additional Notice:* As determined by Bonneville and as warranted in Bonneville's opinion by system or market conditions, Bonneville will issue additional notices of available excess federal power which will contain the same type of information as in the annual notice. Regional customers interested in purchasing this power will have 5 days or less, depending upon the effective delivery date and the duration of the short-term sale or other disposition, within which to contact Bonneville may provide such notices in its daily prescheduling conferences with customers.

Policy on Sales of Excess Federal Power Outside the Pacific Northwest Region to Retail Customers

In marketing excess Federal power outside the Pacific Northwest, Bonneville does not intend to use its status as a Federal agency as a basis for seeking to shield retail sales to non-Federal entities from restrictions, terms and conditions of State law concerning access to retail markets. Moreover, Bonneville intends to defer to State policies concerning access to retail markets with respect to any dispositions of excess Federal power to Federal end users unless an exception is made by the Secretary of Energy in a specific circumstance. Consequently, Bonneville adopts the following policy:

A. *Retail Sales to non-Federal Customers:* Bonneville will not make direct retail sales of excess Federal power outside the Pacific Northwest to non-Federal customers unless the purchaser obtains any third-party transmission or distribution services needed to effect delivery of such power to the purchaser. As a matter of law, the purchaser's acquisition of such transmission or distribution services would be subject to any terms and conditions of service established under applicable State and Federal law (including rules and orders thereunder).

B. *Dispositions to Federal End Users:* The policy under subsection (a) will guide dispositions of excess Federal power to Federal end users outside the Pacific Northwest unless the Secretary of Energy determines on a case-by-case basis that the interests of the United States otherwise require.

Issued in Portland, OR on September 19, 1996.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 96–24807 Filed 9–26–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Efficiency and Renewable Energy

[Case No. F–086]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Furnace Test Procedure to Bard Manufacturing Company

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F–086) granting a Waiver to Bard Manufacturing Company (Bard) from the existing Department of Energy (DOE or Department) test procedure for furnaces. The Department is granting Bard's Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its TU and TDU series furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121, (202) 586–9138

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0103, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(j), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Bard has been granted a Waiver for its TU and TDH series furnaces permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, on September 19, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94–163, 89 Stat. 917, as amended (EPCA), which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

Bard filed a ''Petition for Waiver,'' dated April 4, 1996, in accordance with section 430.27 of 10 CFR Part 430. The Department published in the Federal Register on June 25, 1996, Bard's Petition and solicited comments, data and information respecting the Petition. 61 FR 32790, June 25, 1996. Bard also filed an ''Application for Interim Waiver'' under section 430.27(b)(2), which DOE granted on June 13, 1996. 61 FR 32790, June 25, 1996.

No comments were received concerning either the ''Petition for Waiver'' or the ''Application for Interim Waiver.'' The Department consulted with The Federal Trade Commission (FTC) concerning the Bard Petition. The FTC did not have any objections to the issuance of the waiver to Bard.

Assertions and Determinations

Bard's Petition seeks a waiver from the DOE test provisions that require a

1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Bard requests the allowance to test using a 30-second blower time delay when testing its TU and TDH series furnaces. Bard states that since the 30-second delay is indicative of how these models actually operate, and since such a delay results in an improvement in AFUE of an average 0.4 to 0.6 percent, the Petition should be granted.

Under specific circumstances, the DOE test procedure contains exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Bard indicates that it is unable to take advantage of any of these exceptions for its TU and TDH series furnaces.

Since the blower controls incorporated on the Bard furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current test procedure provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Bard TU and TDH series furnaces. Accordingly, with regard to testing the TU and TDH series furnaces, today's Decision and Order exempts Bard from the existing test procedure provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The ''Petition for Waiver'' filed by Bard Manufacturing Company (Case No. F–086) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Bard Manufacturing Company, shall be permitted to test its TU and TDH series furnaces on the basis of the test procedure specified in 10 CFR Part 430, with modifications set forth below:

(i) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE Standard 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE Standard 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Bard Manufacturing Company shall comply in all respects with the test procedures specified in Appendix N of 10 CFR Part 430, Subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the TU and TDH series furnaces manufactured by Bard Manufacturing Company.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

(5) Effective September 19, 1996, this Waiver supersedes the Interim Waiver granted Bard Manufacturing Company on June 13, 1996. 61 FR 32790, June 25, 1996 (Case No. F–086).

Issued In Washington, DC, on September 19, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 96–24809 Filed 9–26–96; 8:45 am]

BILLING CODE 6450–01–P

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Rheem Manufacturing Company from the DOE Furnace Test Procedure. (Case No. F–087)

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice grants an Interim Waiver to Rheem Manufacturing Company (Rheem) from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's GLH downflow and GPH upflow/horizontal series furnaces.

Today's notice also publishes a ''Petition for Waiver'' from Rheem. Rheem's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Rheem seeks to test using a blower delay time of 12 seconds for its GLH downflow and GPH upflow/horizontal series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than October 28, 1996.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Codes and Standards, Case No. F–087, Mail Stop EE–43, Room 1J–018, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586–7140.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585–0121, (202) 586–9138.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forestall Building, 1000 Independence Avenue, SW., Washington, D.C. 20585–0103, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, as amended (EPCA), which requires DOE to prescribe standardized test

procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at Title 10 CFR Part 430, Subpart B.

The Department amended the test procedure rules to provide for a waiver process by adding Section 430.27 to Title 10 CFR Part 430. 45 FR 64108, September 26, 1980. Subsequently, DOE amended the waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. Title 10 CFR Part 430, Section 430.27(a)(2).

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

An Interim Waiver will be granted if it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. Title 10 CFR Part 430, Section 430.27 (g). An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On August 28, 1996, Rheem filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. Rheem's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Rheem requests the allowance to test using a 12-second blower time delay when testing its GLH downflow and GPH upflow/horizontal series furnaces. Rheem states that the 12-second delay is indicative of how these furnaces actually operate. Such a delay results in an average 2.0 percent increase in AFUE. Since current DOE test procedures do not address this variable blower time delay, Rheem asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993, (58 FR 44583) to amend the furnace test procedure, which addresses the above issue.

Previous Petitions for Waiver for this type of time blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991,57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, 58 FR 68138, December 23, 1993, and 60 FR 62835, December 7, 1995; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, 56 FR 63945, December 6, 1991 and 61 FR 27057, May 30, 1996; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993, 59 FR 14394, March 28, 1994, and 60 FR 62832, December 7, 1995; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992, 59 FR 12586, March 17, 1994 and 61 FR 17289, April 19, 1996; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992, and 61 FR 17887, April 23, 1996; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992, and 61 FR 4262, February 5, 1996; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, 60 FR 100, January 3, 1995, 60 FR 62834, December 7, 1995, and 60 FR 62837, December 7, 1995.

Thus, it appears likely that this Petition for Waiver for blower time delay will be granted. In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Rheem an Interim Waiver for its GLH downflow and GPH upflow/horizontal series furnaces. Rheem shall be permitted to test its GLH downflow and GPM upflow/horizontal series furnaces on the basis of the test procedures specified in Title 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(i) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103–82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start- up, delay the blower start-up by 1.5 minutes (t-) unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the

blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t-) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the Application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Rheem's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Rheem seeks to test using a blower delay time of 12 seconds for its GLH downflow and GPH upflow/horizontal series furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. Pursuant to paragraph (b) of Title 10 CFR Part 430.27, DOE is hereby publishing the ''Petition for Waiver'' in its entirety. The Petition contains no confidential information. The Department solicits comments, data, and information respecting the Petition.

Issued in Washington, DC, September 19, 1996.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Rheem Manufacturing Company

August 28, 1996.

Mr. Cyrus Nasseri,

Assistant Secretary, Conservation and Renewable Energy, United States Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Dear Mr. Nasseri: This is a petition for waiver and application for interim waiver submitted pursuant to title 10 CFR Part 430.27 Waiver is requested from the furnace test procedure as prescribed in appendix N to Subpart B of Part 430. The test procedure requires a 1.5 minute delay between burner and blower start-up. Rheem is requesting authorization to use a 12 second delay instead of 1.5 minutes for our series (−)GLH downflow, and (−)GPH upflow/horizontal residential gas-fired furnaces utilizing General Electric type ICM2+ main blower motors.

Rheem will be manufacturing these appliances with an electronic device that controls the blower operation on a timing sequence as opposed to temperature.

Improved energy efficiency is achieved by reducing on cycle losses. Under the Appendix N procedures, the stack temperature is allowed to climb at a faster rate than it would with a 12 second blower on time, allowing energy to be lost out of the vent system. This waste of energy would not occur in actual operation. If this petition is granted, the true blower on time delay would be used in the calculations.

The current test procedures do not give Rheem credit for the energy savings which averages approximately 2% Annual Fuel Utilization Efficiency (AFUE). This improvement is an average reduction of 20% of the normal on cycle energy losses. Rheem is of the opinion that a 20% reduction is a worthwhile energy savings.

Rheem has been granted previous waivers regarding blower on time to be used in the efficiency calculations for our (−)GEB and (−)GKA series condensing furnaces and/or (−)GDE, (−)GLE, (−)GDG, (−)GLG, (−)GPH, (−)GLH, (−)GVH, and (−)GVG series furnaces. Several other manufacturers of gas furnaces have also been granted a waiver to permit calculations based on timed blower operation. Also, ASHRAE Standard 103–1993, paragraph 9.5.1.2.2 specifically addresses the use of a timed blower operation.

Confidential and comparative test data is available to you upon your request, confirming the above energy savings.

Manufacturers that domestically market similar products are being sent a copy of this petition for waiver and petition for interim waiver.

Sincerely,

Daniel J. Canclini,

Vice-President, Product Development and Research Engineering.

bcc: B.A. Cook, K.W. Kleman, R.W. Willis

[FR Doc. 96–24808 Filed 9–26–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. ER96–2372–000]

Enova Energy, Inc.; Notice of Issuance of Order

September 24, 1996.

Enova Energy, Inc. (Enova) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, Enova requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liabilities by Enova. On September 9, 1996, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates, Granting Waivers and Authorizations and Consolidating Proceedings (Order), in the above-docketed proceeding.

The Commission's September 9, 1996 Order granted the request for blanket approval under part 34, subject to the conditions found in Ordering Paragraphs (F), (G), and (I):

(F) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Enova should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(G) Absent a request to be heard within the period set forth in Ordering Paragraph (F) above, Enova is hereby authorized to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Enova, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(I) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Enova's issuances of securities or assumptions of liabilities.* * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is October 9, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24813 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2860–000]

Northern States Power Company; Notice of Filing

September 23, 1996.

Take notice that on August 27, 1996, Northern States Power Company tendered for filing revised tariff sheets in compliance with the recommendation by the Division of Audits of the Office of Chief Accountant, in Docket No. FA95–5–000 reflecting the removal of ineligible fuel costs from the base and monthly fuel components in adopting recommended corrective actions, as stated in the audit report dated January 16, 1996.

Any person desiring to be heard or to protest said filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before October 4, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24777 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2883–000]

PECO Energy Company; Notice of Filing

September 23, 1996.

Take notice that on August 5, 1996, PECO Energy Company (PECO) filed a request the to withdraw the filing of a Service Agreement dated July 3, 1996 with PanEnergy Trading and Market Services, Inc. (PANENERGY) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO states that copies of this filing have been supplied to PANENERGY and to the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before October 3, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24778 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–802–000]

Southern Natural Gas Company; Notice of Request Under Blanket Authorization

September 23, 1996.

Take notice that on September 19, 1996, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP96–802–000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon its Georgia-Pacific Meter Station and the Allison Lumber Company Line in Sumter County, Alabama under Southern's blanket certificate issued in Docket No. CP82–406–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Southern proposes to abandon its Georgia-Pacific Meter Station and the Allison Lumber Company Line used previously to provide gas service to Georgia-Pacific Corporation (Georgia Pacific) at its plant located in Sumter County Alabama. In 1988, Georgia Pacific informed Southern of its intent to cancel its gas sales contract, and on March 17, 1989, the meter station was isolated and taken out of service. Southern has not provided service to Georgia Pacific since that time.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24776 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–789–000]

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

September 23, 1996.

Take notice that on September 16, 1996, Williams Natural Gas Company (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP96–789–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authorization to utilize facilities originally installed for the delivery of NGPA Section 311 transportation gas to Brock Gas Systems & Equipment, Inc. (Brock) in Johnson County, Kansas, for purposes other than NGPA 311 transportation, under blanket certificate issued in Docket No. CP82–479–000,[1] all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

Applicant proposes to utilize existing NGPA Section 311 transportation facilities for other deliveries of gas to Brock. Applicant states the facilities were installed in April 1990, which was during the period of time when pipelines had the opportunity to convert transportation service from NGPA Section 311 to 284 blanket authorization. Applicant states the transportation service itself was converted; however, it neglected to seek authorization to convert the facilities as well. Applicant states the most recent delivered volume was 484 Dth on a peak day with 118,661 Dth delivered annually.

Applicant states the cost to construct the facilities was $3,350, which was partially reimbursed by Brock. Applicant states that this change is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the service proposed herein without determent or disadvantage to its other customer.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, 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

[1] See, 20 FERC ¶ 62,592 (1982)

for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24774 Filed 9–26–96; 8:45 am]

BILLING CODE 67171–01–M

[Docket No. CP96–799–000]

Williams Natural Gas Company; Notice of Request Under Blanket Authorization

September 23, 1996.

Take notice that on September 18, 1996, Williams Natural Gas Company (WNG), One Williams Center, Tulsa, Oklahoma 74101 filed in Docket No. CP96–799–000, a request pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216(b)) for authorization to abandon in place by sale to White Hawk Gas, Inc. (White Hawk), approximately 4.5 miles of the Hogshooter 16-inch pipeline located in Washington County, Oklahoma, under WNG's blanket certificate issued in Docket No. CP82–479–000, 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.

WNG explains that the Hogshooter line, originally installed in 1914 and certificated in Docket No. G–298, has been effectively converted to a low pressure delivery lateral. WNG states the sales price as $17,846. WNG further indicates that the domestic customers served from the pipeline to be abandoned will be served by the local distribution company, Leann Gas.

WNG states that it has sent a copy of this request to the Oklahoma Corporation Commission.

WNG maintains that this request to abandon in place by sale is not prohibited by an existing tariff, and therefore this request complies with the requirements of subpart (b) of Section 157.205 of the Commission's regulations.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24775 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–2408–000]

WWP Resource Services, Inc.; Notice of Issuance of Order

September 24, 1996.

WWP Resource Services, Inc. (WWP Resource), an affiliate of the Washington Water Power Company, filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, WWP Resource requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by WWP Resource. On September 12, 1996, the Commission issued an Order Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's September 12, 1996 Order granted the request for blanket approval under part 34, subject to the conditions found in Ordering Paragraphs (D), (E), and (G):

(D) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by WWP Resource should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(E) Absent a request to be heard within the period set forth in Ordering Paragraph (D) above, WWP Resource is hereby authorized, pursuant to section 204 of the FPA, to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object, within the corporate purposes of WWP Resource, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of WWP Resource's issuances of securities or assumptions of liabilities. . . .

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is October 15, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24814 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–3017–000, et al.]

Portland General Electric Company, et al.; Electric Rate and Corporate Regulation Filings

September 20, 1996.

Take notice that the following filings have been made with the Commission:

1. Portland General Electric Company

[Docket No. ER96–3017–000]

Take notice that on September 17, 1996, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, First Revised Volume No. 2, an executed Service Agreement with Questar Energy Trading.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective September 1, 1996.

A copy of this filing was served upon Questar Energy Trading as noted in the filing letter.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–3015–000]

Take notice that on September 17, 1996, GPU Service, Inc. (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (GPU Energy), filed an executed Service Agreement between GPU and Cleveland Electric Illuminating Company (CLEVELAND),

dated September 6, 1996. This Service Agreement specifies that CLEVELAND has agreed to the rates, terms and conditions of GPU Energy's Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and CLEVELAND to enter into separately scheduled transactions under which GPU Energy will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than GPU Energy's cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of September 6, 1996 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–3016–000]

Take notice that on September 17, 1996, GPU Service, Inc. (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (GPU Energy), filed an executed Service Agreement between GPU and Toledo Edison Company (TOLEDO), dated September 6, 1996. This Service Agreement specifies that TOLEDO has agreed to the rates, terms and conditions of GPU Energy's Operating Capacity and/or Energy Sales Tariff (Sales Tariff) designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.,* Docket No. ER95–276–000 and allows GPU and TOLEDO to enter into separately scheduled transactions under which GPU Energy will make available for sale surplus operating capacity and/or energy at negotiated rates that are no higher than GPU Energy's cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of September 6, 1996 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Cinergy Services, Inc.

[Docket No. ER96–3018–000]

Take notice that on September 17, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and AIG Trading Corporation.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Wascana Energy Marketing (U.S.) Inc.

[Docket No. ER96–3019–000]

Take notice that on September 17, 1996, Wascana Energy Marketing (U.S.) Inc. (Wascana), tendered for filing, pursuant to 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective no later than sixty (60) days from the date of its filing.

Wascana intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Wascana sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Neither Wascana nor any of its affiliates is in the business of generating or transmitting electric power, or is engaged in any form of franchised electricity distribution.

Rate Schedule No. 1 provides for the sale of energy and capacity at agreed prices. Rate Schedule No. 1 also provides that no sales may be made to affiliates.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northern Indiana Public Service Company

[Docket No. ER96–3020–000]

Take notice that on September 17, 1996, Northern Indiana Public Service Company tendered for filing an executed Standard Transmission Service Agreement between Northern Indiana Public Service Company and The Power Company of America.

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to The Power Company of America pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. ER96–399–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company, 71 FERC ¶ 61,014 (1996), and as amended by Northern Indiana Public Service Company's filing in Docket No. OA96–47–000. Northern Indiana Public Service Company has requested waiver of the Commission's Regulations to allow the Transmission Service Agreement to become effective as of October 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Northern Indiana Public Service Company

[Docket No. ER96–3021–000]

Take notice that on September 17, 1996, Northern Indiana Public Service Company, tendered for filing an executed Standard Transmission Service Agreement between Northern Indiana Public Service Company and PanEnergy Power Services, Inc.

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to PanEnergy Power Services, Inc. pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. ER96–399–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company, 71 FERC ¶ 61,014 (1996), and as amended by Northern Indiana Public Service Company's filing in Docket No. OA96–47–000. Northern Indiana Public Service Company has requested waiver of the Commission's Regulations to allow the Transmission Service Agreement to become effective as of October 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Northern Indiana Public Service Company

[Docket No. ER96–3022–000]

Take notice that on September 17, 1996, Northern Indiana Public Service

Company, tendered for filing an executed Standard Transmission Service Agreement between Northern Indiana Public Service Company and LG&E Power Marketing, Inc.

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to LG&E Power Marketing, Inc. pursuant to the Transmission Services Tariff filed by Northern Indiana Public Service Company in Docket No. ER96–399–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company, 71 FERC ¶ 61,014 (1996), and as amended by Northern Indiana Public Service Company's filing in Docket No. OA96–47–000. Northern Indiana Public Service Company has requested waiver of the Commission's Regulations to allow the Transmission Service Agreement to become effective as of October 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Northern Indiana Public Service Company

[Docket No. ER96–3023–000]

Take notice that on September 17, 1996, Northern Indiana Public Service Company, tendered for filing an executed Standard Transmission Service Agreement between Northern Indiana Public Service Company and Sonat Power Marketing.

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Point-to-Point Transmission Service to Sonat Power Marketing pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. ER96–399–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company, 71 FERC ¶ 61,014 (1996), and as amended by Northern Indiana Public Service Company's filing in Docket No. OA96–47–000. Northern Indiana Public Service Company has requested waiver of the Commission's Regulations to allow the Transmission Service Agreement to become effective as of October 1, 1996.

Copies of this filing have been sent to the Indiana Utility Regulatory Commission and the Indiana Office of Utility Consumer Counselor.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER96–3024–000]

Take notice that on September 17, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Tariff (the Tariff) entered into between Cinergy and SCANA Energy Marketing, Inc.

Cinergy and SCANA Energy Marketing, Inc. are requesting an effective date of August 15, 1996.

Comment date: October 4, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24773 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–768–000, et al.]

National Fuel Gas Supply Corporation, et al.; Natural Gas Certificate Filings

September 20, 1996.

Take notice that the following filings have been made with the Commission:

1. National Fuel Gas Supply Corporation

[Docket No. CP96–768–000]

Take notice that on September 5, 1996, as supplemented September 18, 1996, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP96–768–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211 and 157.216) for authorization to abandon sales tap facilities and to construct and operate replacement facilities in Erie County, New York, under National Fuel's blanket certificate issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

National Fuel proposes to abandon a 3-inch regulator at its Lake and Benzing Station (Lake and Benzing) in Orchard Park, New York, and a 1½-inch regulator at its Bowen Road Station (Bowen Road) in Elma, New York. National Fuel proposes to replace these facilities with a new 3-inch regulator at Lake and Benzing and a 2-inch regulator at Bowen Road. At Bowen Road, National Fuel also proposes to rebuild the regulator riser. It is stated that both taps are used for deliveries to National Fuel Gas Distribution Corporation (Distribution), an existing firm transportation customer, which receives service under National Fuel's EFT rate schedule. It is asserted that the replacements would increase the design delivery capacity of each tap from 869 Mcf per hour to approximately 1,250 Mcf per hour. The cost of the facilities is estimated at $2,260 for Lake and Benzing and $15,060 for Bowen Road. It is explained that the replacements are needed to upgrade the taps to meet increased demand at Orchard Park and Elma and to provide a more reliable feed to Distribution at both locations.

It is stated that Distribution is the only customer served by the facilities and that Distribution has consented to their abandonment and replacement. It is asserted that National Fuel's tariff does not prohibit the addition of new sales taps and that the volumes to be delivered will be within Distribution's certificated entitlements from National Fuel.

Comment date: November 4, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. Texas Gas Transmission Corporation

[Docket No. CP96–774–000]

Take notice that on September 9, 1996, Texas Gas Transmission Company (Texas Gas), P.O. Box 20008, Owensboro, Kentucky 42304, filed in Docket No. CP96–774–000 a request pursuant Sections 157.205(b) and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205(b) and 157.212) for authorization to construct and operate a new delivery point in Greene County, Indiana, to serve an existing customer, Peoples Gas & Power Company (Peoples Gas), a local distribution company, under Texas Gas' blanket certificate issued in Docket No. CP82–407–000 pursuant to Section 7 of the Natural Gas

Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas states that it has received a request from Peoples Gas for a new delivery point on Texas Gas' Crane 4-inch Line in Greene County, Indiana, to enable Peoples Gas to render natural gas service to 500 residential customers between the proposed delivery point and Stanford, Louisiana. Texas Gas states that Peoples Gas would reimburse Texas Gas for the cost of this delivery point, which cost is estimated at $60,100.

Texas Gas further states that Peoples Gas would not require any increase in existing firm contract quantities to accommodate service to the new delivery point. Since Peoples Gas has not requested any increase in contract quantities, Texas Gas states that the service to the proposed delivery point could be accomplished without detriment to Texas Gas' other customers.

Comment date: November 4, 1996, in accordance with Standard Paragraph G at the end of this notice.

3. Florida Gas Transmission Company

[Docket No. CP96–786–000]

Take notice that on September 13, 1996, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP96–786–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new delivery point and realign natural gas volumes, under FGT's blanket certificate issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Specifically, FGT proposes to construct the new Deland South Delivery Point on its existing Deland lateral in Volusia County, Florida. The proposed delivery point would serve Florida Public Utilities Company about 2,500 MMBtu per day of natural gas. FGT also proposes to add the new Deland South Delivery Point to an existing firm transportation service agreement under FGT's Rate Schedule FTS–1 and to reassign certain Maximum Daily Transportation Quantities from the Sanford Division to the Deland Division under FGT's FTS–1 Agreement.

Comment date: November 4, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP96–794–000]

Take notice that on September 17, 1996, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed an application pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon by sale its Sinclair Lips Facility to MidCon Gas Products Corp. (MGP), an affiliated non-jurisdictional gatherer. In addition, Natural seeks a finding that the facilities to be sold to MGP will be non-jurisdictional, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Natural proposes to transfer to MGP the Sinclair Lips Facility which consists of approximately 38 miles of 3, 4, 6, 8, and 10-inch pipeline lateral, 21 meters, and one 330 horsepower compressor unit. Natural states that it will sell the facilities to MGP for $23,144, the net book value on April 6, 1996. Natural states that following the transfer to MGP the Sinclair Lips Facility will be connected to MGP's gathering system at a point in Hansford County, Texas. Natural also requests that the Commission find that the Sinclair Lips Facility will be non-jurisdictional and not subject to regulation by the Commission.

Natural states that there are no contracts to be terminated in connection with the sale of the Sinclair Lips Facility. All gas that is being transported over this facility has been moving under transportation agreements under Natural's Rate Schedule ITS. Natural states that shippers under this rate schedule are entitled to utilize all points in Natural's Catalog of Points. Upon transfer of the facility to MGP, Natural states that it will delete the receipt points on the Sinclair Lips Facility from its Catalog of Points.

Comment date: October 11, 1996, in accordance with Standard Paragraph F at the end of this notice.

5. Williams Natural Gas Company

[Docket No. CP96–798–000]

Take notice that on September 18, 1996, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP96–798–000 a request pursuant to Sections 157.205, 157.212 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212 and 157.216) for authorization to reclaim measuring, regulating and appurtenant facilities, and install upgraded measuring, regulating and appurtenant facilities for United Cities Gas Company (UCG) at the Independence Municipal Airport (Airport) setting located in Montgomery County, Kansas, under WNG's blanket certificate issued in Docket No. CP82–479–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

WNG seeks authorization to reclaim an existing 2-inch positive meter and regulator setting originally installed in 1961, and to replace it with a double rotary 2-inch and 3-inch meter and regulator setting at the Airport setting located in Montgomery County, Kansas.

WNG states that UCG has requested that WNG provide additional volumes at the Airport setting so that UCG can provide service to a new aircraft plant recently constructed adjacent to the Airport. WNG states that the existing facilities are not capable of providing the additional volume required by the new aircraft plant.

WNG states that the most recent annual volume delivered to UCG at the Airport was 12,544 Dth, with a peak day volume of 24 Dth. WNG states that the additional volume required by the new aircraft plant will add approximately 953 Dth on a peak day and 128,520 Dth annually.

WNG estimates the cost to install new measuring, regulating and appurtenant facilities to be $52,932, which will be offset by a new four-year firm market area transportation agreement.

WNG states that this change is not prohibited by an existing tariff and that it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: November 4, 1996, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. 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.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24779 Filed 9–26–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5473–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed September 16, 1996 Through September 20, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960435, Final EIS, COE, MD, DE, Chesapeake and Delaware Canal-Baltimore Harbor Connecting Channel (Deepening), Feasibility Study, Navigation Improvements and Dredged Material Disposal Plan, MD and DE, Due: October 28, 1996, Contact: Barbara Conlin (215) 656–6555.

EIS No. 960436, Final EIS, NOA, PR, VI, Queen Conch Resources Fishery Management Plan, Implementation, Atlantic Ocean and Caribbean Portions of the Exclusive Economic Zone (EEZ) adjacent to the State Waters of Puerto Rico and the US Virgin Islands, Due: October 28, 1996, Contact: Georgia Cranmore (813) 570–5305.

EIS No. 960437, Draft EIS, FHW, WI, La Crosse North-South Transportation Corridor Study, I–90 to US 14/61 (South Avenue) Transportation Improvements including US 53, WI–35 and WI–16, Funding and COE Section 404 Permit Issuance, La Crosse County, WI, Due: November 12, 1996, Contact: Eugene Hoelker (608) 829–7512.

EIS No. 960438, Final EIS, FHW, NJ, NJ–21 Freeway Extension Project, Construction and Modification, Monroe Street in Passaic to Route 46/Lexington Avenue Intersection, Funding, and COE Section 10 and 404 Permits, Cities of Passaic and Clifton, Passaic County, NJ, Due: October 28, 1996, Contact: Andras Fekete (609) 530–2824.

EIS No. 960439, Final EIS, BLM, NV, Mule Canyon Surface Gold Mine Development, Operation and Reclamation and Associate Facilities, Plan of Operation Approval, Battle Mountain District, Lander and Eureka Counties, NV, Due: October 28, 1996, Contact: Christopher Stubbs (702) 635–4000.

EIS No. 960440, Final EIS, FAA, DC, Airport Surveillance Radar Model 9 (ASR–9) Facility to support the Washington National Airport and security coverage over the White House and Capitol Building, Site Selection, South Capitol Street and Martin Luther King, Jr. Blvd, Construction and Operation, Washington, D.C. , Due: October 28, 1996, Contact: Mike Lanz (718) 553–4830.

EIS No. 960441, Final EIS, FHW, UT, US 89 Corridor Transportation Improvements, I–15/Farmington to Harrison Boulevard/South Ogden, Funding, COE Section 404 and NPDES Permits, Davis, Weber, Morgan and Salt Lake Counties, UT, Due: October 28, 1996, Contact: William R. Gedris (801) 399–5921. ext. 305

EIS No. 960442, Final EIS, NOA, FL, Florida Keys National Marine Sanctuary Comprehensive Management Plan, Implementation and Special-Use-Permit, Monroe County, FL, Due: October 28, 1996, Contact: Billy Causey (305) 743–2437.

EIS No. 960443, Final Supplement, VAD, OK, Oklahoma City Area National Cemetery Construction and Operation, Updated Information on a New Potential Site, Fort Sill, Comache County, OK, Due: October 28, 1996, Contact: David Starkie (202) 565–6233.

EIS No. 960444, Final EIS, AFS, ID, Hobo Cornwall Project Area Timber Sale and Ecosystem Management Plan, Implementation, Idaho Panhandle National Forests, St. Joe Ranger District, Shoshone County, ID, Due: October 28, 1996, Contact: Tracy Gravelle (208) 245–2531.

Dated: September 24, 1996.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 96–24848 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5473–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 9, 1996 Through September 13, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of FEDERAL ACTIVITIES AT (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1996 (61 FR 15251).

Draft EISs

ERP No. D–AFS–K65183–CA Rating EC2, Whale Rock Analysis Area Multi-Resource Improvement and Management Plan, Implementation, Eldorado National Forest, Pacific Southwest Region, Eldorado County, CA.

SUMMARY: EPA expressed environmental concerns regarding potential adverse impacts to water quality in sensitive watersheds and air quality and the amount of new road construction.

ERP No. D–AFS–K82006–CA Rating EC2, Humboldt Nursery Pest Management Plan, Implementation, Six Rivers National Forest McKinleyville, Humboldt County, CA.

SUMMARY: EPA expressed environmental concerns regarding the use of some pest control methods and potential adverse effects to water quality and the lack of a specific discussion of the project's consistency with the applicable Basin Plan. The Final EIS should provide information on the pest management compliance history of the Nursery (e.g., storage, training and use of pesticides) and specific commitments and actions which will occur as a result of the selected pest management plan.

ERP No. D–FHW–C40136–NY Rating LO, Stutson Street BIN–3317120 Over Genesee River (PIN 4751.05.121), from the Interchange of the Lake Ontario State Parkway and Latta Road to Lake Shore Boulevard, COE Section 10 and 404 Permit, and Coast Guard Permits Bridge, in the City of Rochester, Town of Greece and Irondequoit, Monroe County, NY.

SUMMARY: Based on our review, EPA does not anticipate that the proposed project would result in significant adverse environmental impacts and, therefore, does not object to its implementation.

ERP No. D–FHW–H40154–MO Rating LO, US 61 Relocation, US 61/24 Interchange north of Hannibal to the vicinity of US 61/M Intersection south of Hannibal, Funding and Possible COE Section 404 Permit, Marion and Ralls Counties, MO.

SUMMARY: EPA had no objections to the proposed action, but requested that the final EIS clarify the wetland areas and cumulative secondary impacts.

ERP No. D–FHW–H40157–MO Rating LO, US Route 71/Range Line Road Bypass east of the Joplin City Limits Construction, Funding and COE **Section 404 Permit, Jasper County, MO.**

SUMMARY: EPA had no objection to the action as proposed; however it did encourage an alignment which would route the road through the worst areas of the lead mining waste.

ERP No. D–FTA–C40137–NY Rating LO, Wassaic Extension Project, Expand Metro-North, Funding and Right-of-Way, Dutchess and Litchfield Counties, NY.

SUMMARY: EPA believed the proposed project will not result in any significant adverse environmental impacts and, therefore, does not object to its implementation.

ERP No. DS–GSA–L40195–WA Pacific Highway Port of Entry (POE) Facility Expansion, Updated Information, Construction of WA–543 in Blaine, near the United States/Canada Border in Blaine, Whatcom County, WA.

SUMMARY: Our abbreviated review has revealed no EPA concerns on this project.

ERP No. DS–NPS–K61137–AZ Rating EC2, Organ Pipe Cactus National Monument General Plan and Development Concept Plan Implementation, Updated Information on two New Alternatives, Portion of the Sonoran Desert, Pima County, AZ.

SUMMARY: EPA expressed environmental concerns regarding purpose and need, mitigation measures, wilderness management, and water quality.

Final EISs

ERP No. F–FAA–C51018–NY Syracuse Hancock International Airport, Land Acquisition and Construction of Runway 10 L–28R, Funding and Airport Layout Plan Approval, Onondaga County, NY.

SUMMARY: EPA does not object to FAA's proposal to acquire land. However, the Record of Decision should include commitments for the preparation of NEPA documentation at such a time that FAA is requested to approve the new runway.

ERP No. F–FHW–H40153–MO MO–141 Relocation Highway Project, Improvements, South of MO–HH to 1.1 miles south of MO–100 (Job No. J6U0804) and 1.1 miles south of MO–100 to 0.8 miles North of I–44 (Job No. J6U0804B), Funding and COE Section 404 Permit, St. Louis County, MO.

SUMMARY: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

ERP No. F–FTA–K51035–CA San Francisco International Airport Extension, Transportation Improvements, Bay Area Rapid Transit District (BART), Funding, San Mateo County, CA.

SUMMARY: EPA's previous issues have been resolved. Therefore, EPA had no objection to the project as proposed.

ERP No. F–SFW–K99028–CA Programmatic EIS—Natural Community Conservation Plan/Habitat Conservation Plan, Implementation and Associated Incidental Take Permit Issuance, Central and Coastal Subregion, Orange County, CA.

SUMMARY: EPA's previous issues have been resolved. Therefore, EPA had no objection to the project as proposed.

ERP No. F–SFW–K99028–CA Programmatic EIS—Natural Community Conservation Plan/Habitat Conservation Plan, Implementation and Associated Incidental Take Permit Issuance, Central and Coastal Subregion, Orange County, CA.

SUMMARY: EPA's previous issues have been resolved. Therefore, EPA had no objection to the project as proposed.

Dated: September 24, 1996.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 96–24849 Filed 9–26–96; 8:45 am]

BILLING CODE: 6560–50–U

[FRL–5616–4]

Clean Air Act Committee; Mobile Source Technical Advisory Subcommittee; Notification of Public Advisory Subcommittee Meeting; Open Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Mobile Source Technical Advisory Subcommittee will meet on October 9, 1996 at Double Tree at Tysons, 7801 Leesburg Pike, Falls Church, VA 22043, convening from 9:00 a.m.–4:00 p.m. (Eastern Standard Time). The meeting is an open meeting and attendance will be on a first-come basis. In this subcommittee meeting, we will focus on items discussed at the previous meeting, in particular the preparation of a report to the Clean Air Act Advisory Committee, and on the possible formation of additional workgroups.

Any member of the public wishing further information should contact Mr. Phil Lorang, Designated Federal Official, at (313) 668–4374 or fax (313) 668–7821, or Susan Romero, Mobile Sources Technical Advisory Subcommittee Management Officer, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; by telephone at (202) 260–4674, FAX (202) 260–3730. Written comments of any length (as least 20 copies) should be

provided to the Subcommittee no later than September 23, 1996.

The Mobile Source Technical Advisory Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Margo T. Oge,

Co-Chair, Mobile Source Technical Advisory Subcommittee.

[FR Doc. 96–24852 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00451; FRL–5397–6]

State FIFRA Issues Research and Evaluation Group (SFIREG) Pesticide Operations and Management Working Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Pesticide Opertions and Management Committee will hold a 2–day meeting, October 10 and 11, 1996. This notice announces the location and times for the meeting and sets forth the tentative agenda topics. The meetings are open to the public.

DATES: The SFIREG Working Committee on Pesticide Operations and Management will meet on Thursday, October 10, 1996, from 8:30 a.m. to 4:30 p.m. and Friday, October 11, 1996, from 8:30 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be held at: the Doubletree Hotel, 300 Army-Navy Drive, Crystal City-Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Elaine Y. Lyon, Office of Pesticide Programs (7506), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. Office location and telephone number: Rm. 1101B, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5306. (703) 308–3259; (fax); e-mail: Lyon.elaine@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The tentative agenda of the SFIREG Committee on Pesticide Operations and Management includes the following:

1. Review of comments on EPA's ''Guide To Clear Labeling''.
2. Bee labeling issues.
3. Section 24(c) issues, including how EPA's guidance is working.
4. Pesticide resistance management and potential State lead Agency roles.
5. Consumer information sheets for treated wood products.
6. Update on the pilot project for review of draft Reregistration Eligibility Decision documents (RED's) by SFIREG W/C.
7. FIFRA section 25(b) issues.
8. Boric acid termiticide and the termiticide PR-Notice.
9. Recommendations for SFIREG issue paper priorites list.
10. Comments on EPA Internet-pages and web-sites.
11. Enforcement of FIFRA at Federal facilities.
12. EPA's custom blend policy.
13. What can EPA do to help states identify ''measures of success'' that relate meaningfully to our pesticide programs.
14. Other topics as appropriate.

List of Subjects

Enviornmental protection.

Dated: September 23, 1996.

William L. Jordan,

Acting Director, Field Operations Division, Office of Pesticide Programs.

[FR Doc. 96–24850 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–F

[AD-FRL–5616–8]

Control Techniques Guidelines Document; Addendum to Control Techniques Guidelines Document: Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Addendum to control techniques guidelines (CTG) document.

SUMMARY: This notice establishes adoption and implementation dates for reasonably available control technology (RACT) rules based on a CTG published on May 20, 1996 for wood furniture manufacturing operations.

ADDRESSES: *Control Techniques Guidelines (CTG).* Copies of the CTG may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. The final CTG document is also available on the Technology Transfer Network (TTN), on the EPA's electronic bulletin board. This bulletin board provides information and technology exchange in various areas of air pollution control. The TTN is accessible 24 hours per day, seven days per week except Monday morning from 8:00 a.m. to 12:00 p.m. when the system is down for maintenance and back-up. The service is free except for the cost of a telephone call. Dial (919) 541–5742 for up to a 14,400 bps modem. If more information concerning the TTN is needed, call the HELP line at (919) 541–5384.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Almodvar, (919) 541–0283, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: Section 182(b)(2) of the Clean Air Act requires that States shall submit a revision to the applicable implementation plan to include provisions to require the implementation of RACT for each category of volatile organic compounds (VOC) sources in the area covered by a CTG document issued by the Administrator after enactment of the Clean Air Act Amendments of 1990. This revision shall be submitted within the period set forth by the Administrator in the relevant CTG document. This time table for States to submit RACT rules is further described in Section IV of Appendix E, General Provisions for the Implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 18077). A CTG document for control of VOC emissions from wood furniture manufacturing operations was made available to the public through a Federal Register notice published on May 20, 1996 (61 FR 25223). Today's notice establishes the adoption and implementation dates for RACT rules required to be developed in response to this CTG.

Any State which has not adopted an approvable RACT rule for the sources covered by this CTG must submit a RACT rule for these sources before May 20, 1997. Furthermore, States must provide for sources to install and operate the required control devices or implement the required procedures under these RACT rules no later than May 20, 1998.

Dated: September 20, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–24855 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5616–5]

Notice of Proposed Administrative Cost Recovery Settlement Puursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a proposed administrative cost recovery settlement under Section 122(h)(1) of CERCLA concerning the Republic Steel Quarry National Priorities List Site in Elyria, Ohio, which was signed by the EPA Regional Administrator, Region V, on March 18, 1996. The settlement resolves an EPA claim under Section 107(a) of CERCLA against the City of Elyria, Ohio. The settlement requires the settling party to pay $25,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Elyria Public Library, 320 Washington Avenue, Elyria, Ohio 44035, and at the U.S. EPA Records Center Room 714, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before October 28, 1996.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at U.S. EPA Records Center, Room 714, 77 West Jackson Boulevard, Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604. Comments should reference the Republic Steel Quarry NPL Site, Elyria, Ohio and EPA Docket No. 5–CERCLA–96–001 and should be addressed to Mr. Jerome Kujawa, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome Kujawa, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois.

William E. Muno,

Director, Superfund Division.

[FR Doc. 96–24851 Filed 9–26–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Satt International Forwarding Inc., 147–35 Farmers Blvd., Jamaica, NY 11434, Officers: Agnes Tang, President; Flora Chen, Secretary

Reliable Van & Storage Co., Inc., 550 Division Street, Elizabeth, NJ 07201, Officer: Peter J. Toscano, President

Ascend Shipping Services, 709 Gellert Boulevard, Daly City, CA 94015, Officers: Herman NG, President; Toan Phan, Vice President.

Dated: September 23, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–24750 Filed 9–26–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 11, 1996.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Gay Browning, Salt Lake City, Utah, Scott M. Browning, San Diego, California, and Diane Browning Oblock, Providence, Utah; each to acquire an additional 2.19 percent, for a total of 26.08 percent, of the voting shares of First Utah Bancorporation, Salt Lake City, Utah, and thereby indirectly acquire First Utah Bank, Salt Lake City, Utah.

Board of Governors of the Federal Reserve System, September 23, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–24790 Filed 9–26–96; 8:45 am]

BILLING CODE 6210-01-F

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. Once the application has been accepted for processing, it will also 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, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would

be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 21, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Community First Bankshares, Inc., Denver, Colorado; to acquire 100 percent of the voting shares of First National Bank of Boulder County, Boulder, Colorado.

Board of Governors of the Federal Reserve System, September 23, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–24791 Filed 9–26–96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 11, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Bank of Boston Corporation, Boston, Massachusetts; to engage *de novo* through its subsidiary, BancBoston Securities, Inc., Boston, Massachusetts, in: (1) Underwriting and dealing to a limited extent in all types of debt and equity securities (See *J.P. Morgan & Co., Inc.*, 75 Fed. Res. Bull. 192, 209 n.49(1989), *Dresdner Order; HSBC Holdings plc et al.*, 82 Fed. Res. Bull 356(1996) and *ABN AMRO*, 81 Fed. Res. Bull 182(1995)); (2) Acting as agent in the private placement of all types of securities including providing related advisory services (See *Bankers Trust New York Corporation*, 75 Fed. Res. Bull. 829(1989)); (3) Buying and selling all types of securities on the order of investors as a ''riskless principal''(See *Order Revising the Limitations Applicable to Riskless Principal Activities*, 82 Fed. Res. Bull. 759(1996)); (4) Making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y; (5) Providing investment or financial advice, pursuant to § 225.25(b)(4) of the Board's Regulation Y; (6) Arranging commercial or industrial real estate financing pursuant to § 225.25(b)(14) of the Board's Regulation Y; (7) Providing securities execution and clearance (brokerage) services as agent for the account of customers, related securities credit activities, pursuant to the Board's Regulation T, and related activities such as offering custodial services, individual retirement accounts and cash management services pursuant to § 225.25(b)(16) of the Board's Regulation Y; (8) Underwriting and dealing in obligations of the United States and Canada, general obligations of U.S. states, Canadian provinces and their respective political subdivisions, and other obligations that state member banks of the Federal Reserve System may underwrite and deal, pursuant to § 225.25(b)(1) of the Board's Regulation Y; and (9) Engaging in the following ''swaps-related'' activities: (a) acting as broker or agent with respect to interest rate and currency swap transactions and related caps, floors, collars and options on swaps, caps, floors and collars; (b) acting as broker or agent with respect to swaps and swap derivative products, and over-the-counter option transactions, linked to products other than interest rates and currencies, such as certain commodities, stock, bond or commodity indices, or a hybrid of interest rates and such commodities or indicies, a specially tailored basket of securities selected by the parties, or single securities; (c) providing financial and transactional advice regarding the structuring and arranging of swaps and swap derivative products relating to non-financial commodity swap transactions; (d) providing investment advice, including counsel, publication, written analyses and reports, and other advisory services, including discretionary portfolio management services, with respect to futures and options on futures on non-financial commodities; and (e) in addition to the securities credit activities under the Board's Regulation T authorized as part of Brokerage Activities, acting as ''conduit'' or ''intermediary'' in securities borrowing and lending. See §§ 225.25(b)(4)(vi)(A)(2), (B) and (C); *Caisse Nationale de Credit Agricole, S.A.*, 82 Fed. Res. Bull 754(1996); *First Union Corporation*, 81 Fed. Res. Bull. 726(1995); *SBC Section 20 Order; First of America Order; Republic Order; Morgan*, 80 Fed. Res. Bull. 151(1994); *The Long-Term Credit Bank of Japan, Limited*, 79 Fed. Res. Bull. 347(1993); *Security Pacific Corporation*, 74 Fed. Res. Bull. 820(1988).

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Washington State Bancshares, Inc., Washington, Louisiana; to engage in making, acquiring, or servicing loans or other extensions of credit, including issuing letters of credit for its own account and the account of others, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 23, 1996.

Jennifer J. Johnson

Deputy Secretary of the Board

[FR Doc. 96–24789 Filed 9–26–96; 8:45 am]

BILLING CODE 6210-01-F

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 10:00 a.m., Wednesday, October 2, 1996.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: September 25, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–24957 Filed 9–25–96; 10:58 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Notice.

SUMMARY: This notice announces the Agency for Health Care Policy and Research's (AHCPR) intention to request the Office of Management and Budget (OMB) to allow a proposed information collection project. In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)), AHCPR invites the public to comment on this proposed information collection.

DATES: Comments on this notice must be received by November 27, 1996.

ADDRESSES: Written comments should be submitted to: Ruth A. Celtnieks, Reports Clearance Officer, AHCPR, 2101 East Jefferson Street, Suite 500, Rockville, MD 20852–4908.

All comments will become a matter of public record. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection reinstatement.

In accordance with the above cited legislation, comments on the AHCPR information collection proposal are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Ruth A. Celtnieks, AHCPR Reports Clearance Officer, (301) 594–1406, ext. 1497.

SUPPLEMENTARY INFORMATION:

Proposed Project

Conducting the 1997 Medical Expenditure Panel Survey Insurance Component (MEPS-IC).

The AHCPR intends to conduct an annual survey of establishments beginning in 1997 to collect information from employers concerning employer-sponsored health insurance. The MEPS-IC survey will be an integration of two previous surveys that collected similar information:

1. The 1987 Health Insurance Plans Survey (HIPS) sponsored by AHCPR; and
2. The 1994 National Employer Health Insurance Survey (NEHIS) sponsored by AHCPR, the National Center for Health Statistics (NCHS) and the Health Care Financing Administration (HCFA).

This survey will be conducted using a sample of employers, (including both public and private sectors) and health insurance providers. The sample will be comprised of two parts:

1. A list sample of employers selected from sample frames available from the Bureau of the Census; and
2. A group of employers and other health insurance providers identified by respondents to the 1996 MEPS-Household Component (HC). The MEPS–HC is a household survey which collects information concerning health care expenditures and related data for individuals. This household survey collects information similar to the 1987 National Medical Expenditure Survey.

Data to be collected from each employer include a description of the business (e.g., size, industry) and descriptions of health insurance plans available, plan enrollments, total plan costs and costs to employees.

For employers that can be matched to the MEPS-Household Component (HC) respondents, data are also collected indicating the actual plan selected by the MEPS–HC respondent and the plan costs.

Data will be produced in two forms: (1) files containing employer information only from the list sample of selected employers; and (2) files which can be linked to other information from the same respondent for the employer cases derived from the MEPS–HC.

The data are intended to be used for purposes such as:

- Generating national and State estimates of employer health care offerings;
- Producing aggregate data on national and State estimates of spending on employer-sponsored health insurance for analyzing results of national and State health care policy data to model the demand for health insurance; and
- When pooled with data from the MEPS–HC, providing a valuable source of information concerning household responses regarding choices of health plans and costs and benefits of these plans.

These data provide the basis for researchers to address vitally important questions for employers and policymakers alike.

Method of Collection

The data will be collected using a combination of modes. AHCPR intends to make a first contact of employers by telephone. This contact will provide information on the availability of health insurance from that employer and essential persons to contact. Based upon this information, AHCPR will send a mail questionnaire. In order to assure high response rates, AHCPR will followup with a second mailing at an acceptable interval, followed by a telephone call to collect data from those who have not responded to the mailings.

As part of this process, for larger respondents with high burdens, such as State employers and very large firms, we will, if needed, perform personal visits and do customized collection, such as, acceptance of data in computerized formats.

Data

Type of review: Regular Submission.
Affected Public: Employers.

Estimated Annual Number of Respondents: 38,500.

Estimated Time Per Respondent: .83.

Estimated Total Annual Burden Hours: 32,000.

Estimated Annual Total Costs to Government: $5,700,000.

Request for Comments

Comments are invited on: (a) the necessity of the proposed collection; (b) the accuracy of the Agency's estimate of burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection and they will also become a matter of public record.

Copies of these proposed collection plans and instruments can be obtained from the AHCPR Reports Clearance Officer (see above).

Dated: September 23, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96–24805 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–90–M

Notice of Advisory Committee Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of the following advisory committee scheduled to meet during the month of October 1996:

Name: Health Care Technology Study Section.

Date and Time: October 28–29, 1996, 8 a.m.

Place: Doubletree Hotel, 1750 Rockville Pike, Conference Room TBD, Rockville, Maryland 20852.

Open October 28, 1996, 8:00 a.m. to 8:30 a.m.

Closed for remainder of meeting.

Purpose: The Study Section is charged with conducting the initial review of health services research grant applications concerned with medical decisionmaking, computers in health care delivery, and the utilization and effects of health care technologies and procedures.

Agenda: The open session of the meeting on October 28, from 8:00 a.m. to 8:30 a.m., will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Study Section will be reviewing and discussing grant applications dealing with health services research issues. In accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b (c)(6), the Administrator, AHCPR, has made a formal determination that this latter session will be closed because the discussions are likely to reveal personal information concerning individuals associated with the grant applications. This information is exempt from mandatory disclosure.

Anyone wishing to obtain a roster of members, minutes of the meeting, or other relevant information should contact Karen Rudzinski, Ph.D., Scientific Review Administrator, Office of Scientific Affairs, Agency for Health Care Policy and Research, Suite 400, Executive Office Center, 2101 East Jefferson Street, Rockville, Maryland 20852, Telephone (301) 594–1452 x1610.

Agenda items for all meetings are subject to change as priorities dictate.

Dated: September 20, 1996.

Clifton R. Gaus,

Administrator.

[FR Doc. 96–24806 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–90–M

Agency for Toxic Substances and Disease Registry

[ATSDR–114]

Quarterly Public Health Assessments and Addendum Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice is a quarterly announcement that contains a list of sites for which ATSDR has completed a public health assessment or an addendum during the period April-June 1996. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL), and one site for which an assessment was prepared in response to a request from the public.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments and public health assessments with addenda was published in the Federal Register on July 25, 1996, [61 FR 38754]. The quarterly announcement is the responsibility of ATSDR under the regulation Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities [42 CFR Part 90]. This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)].

Availability

The completed public health assessments and addendum are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. NTIS charges for copies of public health assessments and addenda. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assessments and Addendum Completed or Issued

Between April 1, 1996 and June 30, 1996, five public health assessments and one addendum were issued for the sites listed below:

NPL Sites

Kansas—Ace Services Incorporated—Colby—(PB96–183546)
New Hampshire—Beede Waste Oil—Plaistow—(PB96–182951)
North Carolina—Cherry Point Marine Corps Air Station—Cherry Point—(PB96–188842)
South Carolina—Annie Creek Mine Tailings (Reliance Tailings)—Leade (PB96–188784)
Virgin Islands—Tutu Wellfield—St. Thomas—(PB96–177183)

Petitioned Site

Ohio—Fields Brook (addendum) (Specifically concerning Radiological Contaminants at Reactive Metals Incorporated)—Ashtabula—(PB96–164975)

Dated: September 20, 1996.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 96–24796 Filed 9–26–96; 8:45 am]

BILLING CODE 4163–70–P

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. October 21, 1996, 8:30 a.m., Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 301–590–0044 or 800–228–9290 and reference the FDA Panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Shirley Meeks, Conference Management, 301–594–1283, ext. 113. The availability of appropriate accommodations cannot be assured unless prior written notification is received.

Type of meeting and contact person. Closed committee deliberations, 8:30 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 5 p.m.; Alfred W. Montgomery, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1180, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Obstetrics and Gynecology Devices Panel, code 12524. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 11, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss and vote on a premarket approval application for a silicone barrier contraceptive device.

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information regarding medical devices used in obstetrics and gynecology that are currently being evaluated by FDA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Biological Response Modifiers Advisory Committee

Date, time, and place. October 21, 1996, 10 a.m., Holiday Inn—Bethesda, Versailles Ballrooms I, II, and III, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, 10 a.m. to 10:40 a.m., unless public participation does not last that long; open committee discussion, 10:40 a.m. to 1:30 p.m.; closed committee deliberations, 1:30 p.m. to 2:30 p.m.; open committee discussion, 2:30 p.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 5 p.m.; open public hearing, 5 p.m. to 5:30 p.m., unless public participation does not last that long; William Freas, Pearline K. Muckelvene, or Sheila D. Langford, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Biological Response Modifiers Advisory Committee, code 12388. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data relating to the safety, effectiveness, and appropriate use of biological response modifiers which are intended for use in the prevention and treatment of a broad spectrum of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 14, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the: (1) FDA oncology initiative; (2) standards for approval of therapies for non-Hodgkin's Lymphoma; and (3) intramural research program for the Laboratory of Cell Biology, Laboratory of Immunobiology, and the Laboratory of Cell and Viral Regulation in the Office of Therapeutics Research and Review of the Center for Biologics Evaluation and Research.

Closed committee deliberations. On October 21, 1996, the committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drug applications (IND's) in the Center for Biologics Evaluation and Research. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)). The committee will also discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. October 24, 1996, 9 a.m., Woodmont Building II, conference room F, 5th floor, 1451 Rockville Pike, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; closed committee deliberations, 10 a.m. to 5:30 p.m.; Joan Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419–259–6211, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Cardiovascular and Renal Drugs Advisory Committee, code 12533. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 10, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to pending IND's or new drug applications. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. October 29 and 30, l996, 8 a.m., Holiday Inn—Bethesda, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Closed committee deliberations, October 29, l996, 8 a.m. to 8:30 a.m.; open committee discussion, 8:30 a.m. to 5 p.m.; open committee discussion, October 30, l996, 8 a.m. to 1:30 p.m.; closed committee deliberations, 1:30 p.m. to 2:30 p.m.; open public hearing, 2:30 p.m. to 3:30 p.m., unless public participation does not last that long; open committee discussion, 3:30 p.m. to 5:15 p.m.; Nancy Cherry or Sandy Salins, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Vaccines and Related Biological Products Advisory Committee, code 12388. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before October 22, 1996, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On October 29, 1996, the committee will review safety and efficacy data pertaining to diphtheria/tetanus/acellular pertussis vaccines manufactured by Amvax, Inc., and Lederle Laboratories. On October 30, 1996, the committee will review the possibility of using animal challenge studies (and the design of such studies), in addition to human neutralizing antibody data, to support the efficacy of the botulinum toxoid vaccine. The committee will also hear a briefing on a research program in the Division of Viral Products and a briefing on a new Points to Consider document on Plasmid DNA Vaccines for Preventive Infectious Disease Indications.

Closed committee deliberations. On October 29, l996, the committee will review trade secret and/or confidential commercial information relevant to pending IND's or product licensing applications. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)). On October 30, l996, the committee will also review data of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm.

12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: September 19, 1996.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 96–24755 Filed 9–26–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4086–N–53]

Office of the Assistant Secretary for Public and Indian Housing; Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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: November 26, 1996.

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: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451-7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–0846, extension 4128, (this is not a toll-free number) for copies of the proposed forms and other available documents.

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 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 of other forms of information technology.

This Notice also lists the following information:

Title of Proposal: Family Report and Family Self-Sufficiency Addendum.

OMB Control Numbers: 2577–0083 and 2577–0184.

Description of the need for the information and proposed use: Collection of this information is authorized by the U.S. Housing Act of 1937 (42 U.S.C. 1437, et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601–19), and Section 214 of the Housing and Community Development Act of 1980. Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) administering public, Indian Housing and the Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation Programs must submit family information to assist HUD in managing and monitoring HUD-assisted programs. HUD will use the information to (1) monitor program participants' compliance with requirements, (2) provide demographic information describing tenants' characteristics, (3) participate in income matching to detect fraud, and (4) plan for future use of the housing inventory with emphasis on the housing needs of special groups. The Forms HUD–50058 and HUD–50058–FSS are being revised to reflect legislative changes and requirements. Initially, PHAs/IHAs will need ½ hour to input the data into each Form HUD–50058. After a three-year period, average input time should be reduced to 15 minutes per form. The reduction in time will be due to the pre-entering of key information on the form (i.e., income changes, change in family composition, etc.). PHAs/IHAs

administering the FSS program require 15 minutes per form for completion of the information.

Members of the affected public: State or Local Governments, Individuals or Households.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: HUD–50058: Number of respondents, 4500; number of responses per respondent, 916.5; total annual responses: 4,124,250; hours per response, 0.5; total burden hours: 2,062,125.

Projected Three Year Period: Hours per response will be reduced to 0.25 for total burden hour 1,031,062.

Status of the proposed information collection: Revision of and currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: September 11, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Family Report

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval Number 2577-0083 (expires 12/31/96)

People Who Will Live in the Home

1 Effective Date of action

2a.Person number	2b. Last Name	2c.First Name & Sr, Jr, 3rd, etc	2d.Date of Birth mmddyyyy	2e.Sex M or F	2f.Re-* lation	2ff.Ci-● tizen	2g.Dis-ability?	2h. His/Her own Social Security No. *If* none put 0
01 Head					H			
02								
03								
04								
05								
06								

[ ] 2i. Total Number of people.

* Codes in 2f: H = head S = spouse F = foster child/foster adult Y = other youth under 18 E = full-time student 18+ L = live-in aide A = other adult
● Codes in 2ff (blank in Indian mutual): US = US citizen EN = eligible noncitizen IN = ineligible noncitizen PV = pending verification XX = F or L in 2f.

Expected Income per Year

3x. Adult earnings excluded from 3a, if any

3a Dollars per Year	3b Who? (no. in 2a)	3c Source: Each source for each person on a separate line.
		PE = pension B = own business
		SS = social security M = military pay
		SI = SSI F = federal wage
		D = AFDC HA = HA wage
		G = general assist. W = other wage
		CS = child support U = unemp. benft.
		IS = income of immigrant's sponsor
		I = Indian trust/per capita
		N = other nonwage sources

4e Asset income (see worksheet) 4a Assets

5 **Total Annual Income:** column 3a + line 4e

6 Number of people under 18, or with disability, or full-time student. Don't count head, spouse, foster child/adult, or live-in aide.

7a ***If* head and spouse are under 62 and have no disabilities, skip to line 8.** Otherwise write **yearly medical** cost that is not reimbursed in 7a and fill 7b to 7d

7b Medical threshold: line 5 times correct % (e.g., line 5 x 0.03)

+ 7c Medical allowance: 7a - 7b. *If 7b is bigger, put 0*

+ 7d Elderly/disability allowance: usually $400

+ 8 *If anyone has handicapped assistance expenses, see adjustment, page 3. If not, write 0*

9 Allowance per dependent

+ 9a Dependent Allowance: line 6 times line 9

+ 9b Yearly Child Care Cost that is not reimbursed

+ 9c (Indian Housing Only) Travel Cost to work/school

+ 9d Optional earned income deduction. *This is different from 3x.*

+ 9e Additional allowances

10a Total Allowances: add lines marked "+" (7c to 9e, except line 9)

10b **Adjusted Annual Income:** line 5 minus line 10a. *If line 10a is bigger, write 0*

10c Fraction of **Adj.** income (ex.: 0.30 for 30%)

▲ 11 Rent on **Adj.** income: line 10b ÷ 12 x line 10c

11b Fraction of **Total** income: (ex.: 0.10 for 10%)

▲ 12 Rent on **Total** income: line 5 ÷ 12 x line 11b

▲ 13 Welfare rent per month, if any

▲ 13b Minimum rent (put 0 if waived)

14 Highest of 4 lines marked "▲" (lines 11, 12 to 13b)

14b Previous TTP (line 14 from previous form 50058)

DRAFT

Background Data

15a Date Entered waiting list (mmddyyyy)

15b Zip Code before admission (5 digits)

15c Date of admission to program (mmddyyyy)

15cc Homeless at admission? **Y** or **N**

15d 1 = White 3 = American Indian/Alaska Native
2 = Black 4 = Asian/Pacific Islander

15e 1 = Hispanic 2 = Not Hispanic

15ee Noncitizen subsidy status:
E = No member is IN in column 2ff
T = Temporary deferal of termination (if assisted 6/19/95)
P = Prorated. Not T and any member is IN - Submit Mixed Family Proration Addendum instead of filling 16, 21, 22, 23, or 24.

15f Family Self-Sufficiency participant? **Y** or **N**
If "Y," submit FSS Addendum (form HUD-50058-FSS)

15h 1 = New Admission 5 = Portability Move-out
2 = Reexamination 6 = End Participation
3 = Interim Redeterm. (see definitions on page 4)
4 = Portability Move-in 7 = Other Change of Unit

15i If changed head, write former head's Social Security Number

15j 1 = Public Housing 4 = Sec.8 Vouchers
2 = Indian Housing 5 = Sec.8 Mod Rehab
3 = Sec.8 Certificates

15jj Use if instructed by HUD

15k Agency Name

15l Project No.(include the 2-letter State; see page 4)

15n Number of Bedrooms in unit to be occupied

15o Unit's street address Apt. no.

City State Zip

Public Housing, Indian Rental & Turnkey III

- 16a Ceiling Rent, if any
- 16b Lower Rent: lower of line 14 or 16a
- 16c Utility Allowance, if any
- 16d Tenant Rent: 16b minus utility (16c) *If utility is bigger* ◯ *mark the circle, write the difference, credit the tenant*
- 16e Reserved

Indian Mutual Help

- 17a Monthly income: line 10b ÷ 12 months
- 17b Number between 0.15 and 0.30 corresponding to the percent in the mutual help agreement
- 17c Gross family cost: 17a times 17b
- 17d Utility allowance, if any
- ▲ 17e Net cost: 17c minus 17d. *If 17d is bigger, put 0*
- ▲ 17f Administration charge
- 17g Maximum monthly payment in agreement, if any (usually 17f + monthly debt service)
- 17h Family cost: higher of 17e, 17f, but not over 17g
- 17i Reserved

Sec. 8 Unit Data: Certificates, Vouchers & Mod Rehab

- 18 Admitted over very low-income limit: 0 = No 1 = Yes (rarely allowed: see instructions)
- 19b Owner/Agent
- 19c Owner's TIN/SSN
- 19dd Date unit last inspected (mmddyyyy)
- 19d Date unit last passed inspection (mmddyyyy)

Sec.8 Certificates & Vouchers (including Mod Rehab funding used for certificates)

- 20a Number of bedrooms on certificate or voucher
- 20b Is family now moving to this unit? **Y** or **N**
- 20c Portability? **Y** or **N** *If "No," skip to 20f*
- 20d Cost billed per month. *Write 0 if absorbed*
- 20e **HA No. billed** (7-8 characters; may ask 1-800-fon-mtcs)

Mark Y = Yes for all housing types that apply:

- 20f ☐ Project-based Certificate program unit
- 20g ☐ SRO: 1 room occupied by 1 person
- 20h ☐ IGR: has continual supportive services (prorate gross rent)
- 20i ☐ Mod Rehab funding used for certificates
- 20j ☐ Owner-occupied mobile/manufactured home on rented space/ pad - see item 24
- 20k ☐ Over-FMR Tenancy Option - (OFTO)

Sec. 8 Certificates (except manufactured home sites)

- 21a FMR or exception rent, fill if: Over-FMR Tenancy Option (**OFTO**) (20k = Y), or **New** admission (15h = 1), or **Move** (20b = Y)
- ▼ 21b Contract rent to owner *If unit has other subsidy, write the subsidized rent*
- ▼▼ 21c Utility allowance, if any
- 21d Gross rent of unit: 21b + 21c
- ▼ 21dd Maximum subsidy: copy 21d, *except in OFTO put lower of 21a or 21d(▼)*
- 21e Total tenant payment: copy from line 14
- 21ee Total HAP: 21dd minus 21e. *If 21e is bigger, put 0.*
- ▼▼ 21f Tenant rent: 21b minus 21ee. *If 21ee is bigger than* ◯ *21b, mark the circle, write the difference, and credit the tenant.*
- 21ff Reserved
- 21g HAP to Owner: lower of 21b or 21ee(▼▼)

Sec. 8 Vouchers

- 22a Voucher Payment standard *In Sec. 236 & FmHA Sec. 515, do not exceed basic rent plus utility allowance*
- 22b Rent on Adjusted income: copy from line 11
- ▼ 22c Maximum subsidy: 22a minus 22b
- 22f Utility allowance, if any
- ▼▼ 22g Rent to owner
- 22h Gross rent of unit: 22f plus 22g
- 22i Gross rent less maximum subsidy: 22h minus 22c
- ▲ 22j Minimum family contribution: Higher of line 12 or line 13b
- ▲ 22k **Total family contribution**: higher of 22i or 22j (▲)
- 22l Gross rent less contribution: 22h minus 22k
- ▼ 22m Total voucher subsidy: lower of 22c or 22l (▼)
- ▼▼ 22n **HAP to owner**: lower of 22g or 22m (▼▼)
- 22o **Family rent to owner:** 22g minus 22n
- 22oo Reserved
- 22p Utility reimbursement to family: 22m minus 22n

Sec.8 Mod Rehab (except converted to Certificate)

- 23a Current base rent
- 23b Rehabilitation debt service
- 23c Contract rent to owner: 23a plus 23b
- 23d Utility allowance, if any
- 23e Total tenant payment: copy from line 14
- 23f Tenant rent: 23e minus 23d. *If 23d is bigger, mark the* ◯ *circle, write difference and credit tenant*
- 23ff Reserved
- 23g HAP to owner: 23c - 23f. *If circle is marked copy 23c*
- 23h HAP contract number
- 23j Mod Rehab SRO Program for homeless? **Y** or **N**

Name and Social Security Number or Date of Birth of head (if this page is separated from other page)

Manufactured Home Owner Renting the Space

▼	24a FMR or exception rent, fill if: **Voucher** (15j = 4), or Over-FMR Tenancy Option (**OFTO**) (20k = Y), or **New** admission (15h = 1), or **Move** (20b = Y)
	24c Furniture included in purchase price? **Y** or **N**
	24d Monthly amortization payment
	24e Deduction: If 24c is "Y," 24d times 0.15; *If "N," put 0*
	24f Adjusted amortization: *24d minus 24e*
	24g Utility allowance, if any
▼	24h Rent to owner (space rent)
	24i Gross rent: 24f + 24g + 24h
	24j Total tenant payment: copy from line 14. *If Voucher, copy from line 11.*
▼	24k Gross rent minus TTP: 24i minus 24j
▼	24kk (*Voucher only*) Rent to owner minus minimum family contribution: 24h minus line 12
	24l HAP to owner: If regular Certificate, lower of 24h or 24k. If Voucher, lowest of 24a, 24k, or 24kk. If OFTO, lowest of 24a, 24h, or 24k.
	24m Tenant rent: 24h minus 24l
	24n Reserved

Optional Worksheet for Income (enlarge for actual use)

$ per Period P	Periods per Year Q	$ per Year R	Earnings Exclusions if any S	Countable Income (R - S) T	Earnings Deductions if any U	Who Receives V	Their No. in 2a W	Source of Income X	Source Code Y
Column Totals			copy total to 3x	copy entire column to 3a	copy total to 9d		copy entire column to 3b		copy entire column to 3c

Note 1: Excluded income (S) is excluded before determining eligibility for admission or any rent. Deducted income (U) is only deducted in determining adjusted income (10b) but does not affect eligibility for admission or line 12. Therefore, they are copied to different places on the forms. HUD rules are currently changing on what can be excluded and deducted.

Note 2: "Q" sometimes may have 2 numbers, for example: "10 x 30" for 10 weeks at 30 hours per week.

Assets & Adjustment for line 4 of the form:

This section calculates all asset income. Do not include asset income in section 3 on page 1. HUD counts asset income as what the family actually receives, **or** the passbook rate times net assets, whichever is more. When you list assets here, **include** real property, savings, investments, and other capital. Also, if an asset was given away or sold for less than market value in the last 2 years, include the difference between market value and amount received. **Do not** include: personal property like cars or furniture, equity in a co-op or mobile home where the family lives, or in a business, farm or HUD homeownership program, irrevocable trusts, the value of pensions, or interests of individual Indians in trust or restricted lands.

Cash Value	Expected Income	Describe one asset on each line
4a	4d▲	Totals of "Cash Value" and "Expected Income"

	4b Applicable passbook rate (use a decimal, for example, 3.25% is 0.0325)
▲	4c Imputed asset income: 4a times 4b. *If 4a is $5,000 or less, put 0 on line 4c*
	4e Final asset income: higher of 4c or 4d(▲)

Copy 4a and 4e to page 1

Handicapped Assistance Adjustment for line 8 of the form:

This section does not calculate total handicapped assistance allowance, but only the difference between handicapped plus medical allowance and the simplified medical allowance already on the form. Copy 7a through 7c here to use in the calculations.

	7a Medical cost. *If 0 on form, put 0 here*
	7b Medical threshold. If 0 on form, put *line 5 times correct % here*
	7c Medical allowance. *If 0 on form, put 0 here*
	8a Yearly cost for attendant and/or equipment to let a family member work. *If none, write 0 on line 8 of the form and skip the rest of the steps here*
▼	8b Deductible costs: 8a minus 7b. *If 7b is bigger put 0 and skip to 8e*
▼	8c Earnings in 3a of form, made possible by these costs
	8d Handicapped allowance: lower of 8b or 8c
	8e Corrected medical. If 8b is 0, put 8a + 7a - 7b here. *Otherwise copy 7a here*
	8f Adjustment: 8d + 8e - 7c. Copy to line 8 on form. (This is the total of the two allowances, 8d + 8e, minus the simplified medical allowance (7c) already taken, to avoid double-counting.)

For Housing Agency Use

Family Report

Please type or print clearly

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval Number 2577-0083 (expires 12/31/96)

Public reporting burden for this collection of information is estimated to average 0.5 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0083), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collecton displays a valid OMB control number.

Do not send this form to the above address.

Send the data to the electronic address required by HUD. **Questions?** Phone 1-800-FON-MTCS or 1-800-366-6827.

Each affected agency must submit information to assist HUD in managing and monitiring HUD-assisted housing programs, to protect the Government's interest, and to verify the accuracy of the information received. HUD will use the information to: (1) monitor program participants' compliance with requirements, (2) provide demographic information describing tenants' characteristics, (3) participate in income matching, to detect fraud, and (4) plan for future use of the housing inventory with emphasis on the housing needs of special groups. This collection is authorized by the U.S. Housing Act of 1937 (42U.S.C. 1437 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and by the Fair Housing Act (42U.S.C. 3601-19).

Sensitive Information: The information on these forms is sensitive and is protected by the Privacy Act. Keep the forms locked and confidential.

Refer also to the more detailed instruction package

Abbreviations:

▲ = to mark lines that will be compared and you will take the larger

t = to mark lines that will be compared and you will take the smaller

adj. = adjusted

AFDC = Aid to Families with Dependent Children

apt. = apartment

FmHA = Farmers' Home Administration

FMR = Fair Market Rent, set by HUD

FSS = Family Self-Sufficiency program

HA = Housing agency including public or Indian housing

HAP = Housing Assistance Payment

HUD = US Department of Housing and Urban Development

IGR = Independent Group Residence, with continual supportive services

italic = shows special instructions on this form, that are rarely used, or are an alternative (*If*) to the standard pattern

mmddyyyy = date, in numbers, like 12/14/1993

Mod Rehab= Moderate Rehabilitation

No. = number

OMB = US Office of Management and Budget

Redeterm. = redetermination

Sec. = a numbered section of a law or federal regulation, usually in the US Housing Act of 1937

SRO = Single Room Occupancy

SSI = Supplemental Security Income

SSN = Social Security Number

TIN = Taxpayer Identification Number, for businesses

TTP = Total Tenant Payment

unemp.ben = unemployment benefits

Major Definitions:

Disabilities -- Includes disabled and/or handicapped; in brief:

1. inability to engage in any substantial gainful activity because of physical or mental problem expected to last a year or cause death, or **2.** age 55+ and blind and therefore unable to work at the same activities as previously (volume 42 of the US Code at sec.423), or **3.** age 5+ and has mental or physical problem of indefinite duration, showing up before age 22, that limits 3 of 7 areas of life (listed in full instructions) and needs care, or **4.** age 5 or less and has problem highly likely to cause disability if untreated (volume 42 of the US Code at sec.6001(5)), or **5.** physical or mental problem lasting long and indefinitely, making independent living hard, but easier with suitable housing.

Effective date -- For new admissions and portability move-ins: effective date of lease. For reexaminations and interim redeterminations: date any rent change would take effect. For end of participation: see next entry.

End Participation or **Portability Move-out** -- Fill items 1a, 1, and 15h - 1. Also fill out for head only: items 2b - d, 2h. This information is needed to remove tenant from HUD's active data base. Item 1 will show when the family stopped receiving any HUD subsidy or changed from Sec.8 to or from public and Indian housing, or used portability to move to the jurisdiction of another housing agency and the initial HA sent the family's records there.

Head -- A family may pick as the head any adult in the household who is wholly or partly responsible for paying the rent. If someone in the household is 62+ or has disabilities, extra allowances are gained by picking this person or his or her spouse as the head. These deductions are on lines 7a-d.

New Admission -- First joining a housing agency's public or Indian housing program, or re-joining after an interruption of at least 1 month, OR first joining the Sec.8 program, or rejoining Sec.8 after an interruption of at least 4 months. Changes between Sec.8 certificates and vouchers do not count as new admissions, but changes to and from other Sec.8 programs do.

Other Subsidy -- (as used in 20f - k and 21b) Units which have another subsidy, not Sec.8, Public or Indian housing. These other subsidies include Sec.236, Sec.221(d)3 BMIR, Sec.202, Farmers Home Administration Sec.515.

Portability -- Involves a family who was issued a Sec.8 certificate or voucher by one housing agency and finds a unit in the jurisdiction of another, which handles housing inspections and payments. The term portability applies even if the receiving agency absorbs the cost.

Project No. -- In Sec.8 use the first 7 characters of the 11-character Sec.8 project number, like CA029CE. You may also use the first 8 characters of the old Sec. 8 project number format, like CA06E029. In public and Indian housing, you have the choice of using an 11-character number like CA06P029001, or 8 characters like CA029001. Management will tell staff what number applies to each project.

Mixed Family Proration Addendum

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval Number 2577-0083 (expires 12/31/96)

Head of Household's Last Name	First Name	Date of Birth	SSN	Effective Date of Action

Public Housing, Indian Rental & Turnkey III

	25a Total tenant payment (from line 14)
	25b Public/Indian housing maximum rent
	25c Family maximum subsidy: line 25b minus line 25a
	25d Maximum subsidy per member: line 25c ÷ item 2i
	25e Eligible subsidy: line 25d x (item 2i minus number of members IN)
	25f Prorated rent: line 25b minus line 25e

Section 8 Manufactured Home Owner Renting the Space

▼	27a FMR or exception rent
	27c Furniture included in purchase price? Y or N
	27d Monthly amortization payment
	27e Deduction: If 27c is "Y": 27d x 0.15. If "N" put 0.
	27f Adjusted amortization: 27d minus 27e
	27g Utility allowance, if any
▼	27h Rent to owner (space rent)
	27i Gross rent: 27f plus 27g plus 27h
	27j Total tenant payment: copy from line 14. *If Voucher, copy from line 11.*
▼	27k Gross rent minus TTP: 27i minus 27j
▼	27kk (Voucher Only) Rent to owner minus minimum family contribution: 27h minus line 12
	27n Normal total HAP: *If* regular Certificate, lower of 27h or 27k; *if* Voucher, lowest of 27a, 27k, or 27kk; *if* Over-FMR tenancy, lowest of 27a, 27h, or 27k
	27o Proration fraction: number of members not IN ÷ item 2i
	27l Prorated HAP: 27n x 27o
	27mMixed family share of rent to owner: 27h minus 27l

Section 8 (except manufactured home space)

All Programs

	26a Enter letter for program under which family is assisted: C = Certificate O = Over-FMR certificate tenancy V = Voucher M = Mod Rehab
	26b (Mod Rehab Only) Current base rent
	26c (Mod Rehab Only) Rehabilitation debt service
	26d Rent to owner. If Mod Rehab, 26b plus 26c
	26e Utility allowance, if any
	26f Gross rent: 26d plus 26e
	26g Total tenant payment: copy from line 14. Go to 26n, 26o, or 26r

Certificate (regular tenancy) or Mod Rehab Only

	26n FMR or exception rent, fill if: **Move** (20b = Y) or **New** admission (15h = 1). *Skip if Mod Rehab.*
	26h Normal total HAP: 26f minus 26g. Go to 26i

Over-FMR Certificate Tenancy Only

	26o FMR or exception rent
▼	26p Maximum HAP: 26o minus 26g
	26q Alternate HAP: 26f minus 26g
	26h Normal total HAP: lower of 26p or 26q(▼). Go to 26i

Voucher Only

	26r Voucher payment standard. *In Sec. 236 & FmHA Sec. 515, do not exceed basic rent plus utility allowance*
	26s Rent on Adj. Income: copy from line 11
▼	26t Maximum HAP: 26r minus 26s
	26u Minimum family contribution: higher of 12 or 13b
▼	26v Alternate HAP: 26f minus 26u
	26h Normal total HAP: lower of 26t or 26v(▼). Go to 26i

All Programs

	26i Proration fraction: number of members not IN ÷ item 2i
	26j Prorated HAP: 26h x 26i
	26k Mixed family share of rent to owner: 26d minus 26j. ○ *If 26j is bigger than 26d, mark circle, write difference, and credit the tenant.*
	26l Reserved
	26mHAP to owner: 26d minus 26k. *If circle is marked, copy 26d*

DRAFT

Family Self-Sufficiency Addendum

to form HUD-50058

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0184 (exp. 6/30/96)

Head of Household's Last Name:	First Name:	Date of Birth (mmddyyyy)	Social Security Number	Effective Date of Action:(mmddyyyy)

Section I. FSS Report Category (check one)

- ☐ FSS Enrollment Report
- ☐ FSS Progress Report
- ☐ FSS Exit Report

Section II. Family Information

1. Answer this question only if this is an FSS Enrollment Report.
   Did the Family receive an FSS selection preference because of related service program participation?
   ☐ Yes If "Yes," which program? → ☐ JOBS ☐ JTPA ☐ Other
   ☐ No

2. Current Employment Status of Head of Household:
   ☐ Employed: ☐ Full Time (35 hours per week or more) ☐ Part-time (less than 35 hours per week)
   Check the box if the head of household is employed at the time this FSS Addendum is being completed. Otherwise leave blank.

3. Years of School Completed by the Head of Household (0-16):
   ☐ Years of School Completed by Head of Household. Enter the highest grade of education or years of formal schooling the head of household completed.

4. Does the Family Receive:
   Food Stamps? ☐ Yes ☐ No
   Medicaid? ☐ Yes ☐ No
   (Note that a household that no longer receives welfare such as AFDC or SSI may receive Medicaid coverage for one year.)

5. Is the Family currently receiving services from:
   JOBS? ☐ Yes ☐ No
   JTPA? ☐ Yes ☐ No
   JOBS and JTPA are defined under the instructions for Section II, line 1, above.

Section III. FSS Services

1. Initial Start & End Dates of Contract of Participation: (mm/yyyy)
   ☐ to ☐

2. Contract Date Extended to: (mm/yyyy)
   ☐ (If applicable)

3. No. of Family Members with Individual Training & Services Plan
   ☐ Adult family members, including the head of household, with Individual Training and Services Plans included as exhibits to the FSS Contract of Participation. This is the maximum number that may be entered in any box of the family services table in Section III, line 4. (with the exception of Child Care).

4. Family Services Table: Enter the number of adult participating family members in the appropriate columns
   (a) Enter the number of family members with an Individual Training & Services Plan who ***need*** the service;
   (b) Enter the number of family members with an Individual Training & Services Plan who ***received*** the service since the last report;
   (c) Enter the number of family members with an Individual Training & Services Plan who have successfully ***completed*** education/training.

Services	Number of Household FSS Participants: (a) Contract Identified Service Needs	(b) Service Provided Since Last Report	(c) Education/ Training Completed
Education/Training			
Remedial			
High School/GED			
Post Secondary			
Vocational/Job Training			
Job Search/Job Placement			
Transportation			
Health Services			
Counseling			
Alcohol/Substance Abuse			
Personal and Parenting Skills			
Household Mgmt. & Budget Skills			
Homeownership Counseling			
Child Care (Record number of children)			

Section IV. FSS Account Information

1.	Current FSS Account Monthly Credit	$
2.	Current FSS Account Balance	$
3.	FSS Account Amount Disbursed to the Family	$

Section V. Exit Information (Complete only for FSS Exit Report)
Reason for Exit:

- ☐ Completed Contract of Participation
- ☐ Left the HA's FSS Program without Completion
  - ☐ Left Voluntarily
  - ☐ Asked to Leave Program
  - ☐ Left because Essential Service was Unavailable
  - ☐ Contract Expired but Family did not Fulfill Obligations

Previous editions are obsolete

form **HUD-50058-FSS** (08/28/96)
ref. Handbooks 7420.8 & 7465.3

Instructions for form HUD-50058-FSS, Family Self-Sufficiency (FSS) Addendum to form-HUD-50058

For more detailed information, see HUD Handbooks 7420.8 and 7465.3.

Complete the FSS Addendum (form HUD-50058-FSS) each time the HUD-50058 is completed for a family participating in the FSS program. Always submit the FSS Addendum with the form HUD-50058.

Section 8 Portability. *When a Section 8 FSS participant moves under portability, the* ***receiving*** *HA must complete and submit form HUD-50058-FSS (obtaining information from the initial HA as necessary).*

Enter the effective date of the action as shown on line 1 of the HUD-50058.

Section I: FSS Report Category

There are three different report categories for the FSS Addendum: Enrollment, Progress and Exit. Check one and only one of the boxes to indicate the report category:

FSS Enrollment Report. Check "Enrollment Report" when the family is initially enrolled in the HA's FSS program and the Contract of Participation is first signed. Enrollment in the FSS program may occur when the transaction type reported on line 15h of the HUD-50058 is

2 (Reexamination),
3 (Interim redetermination),
4 (Portability Move-in), or
7 (Other change of unit).

The HA must conduct a reexamination or interim redetermination of income for a family newly selected for the FSS program if the effective date of the Contract of Participation will be more than 120 days after the family's last reexamination or interim redetermination was effective. *If a reexamination or interim redetermination is not required because one has occurred within 120 days before the effective date of the Contract of Participation, wait to report the family's FSS enrollment until the next time a HUD-50058 is required and submitted for the family.*

For the Enrollment Report, complete Sections I, II, and III of the HUD-50058-FSS. For Section III, line 4, Family Services Table, complete only column (a), Contract Identified Service Needs, based on the services identified in the Individual Training & Services Plan(s) in the Contract of Participation.

FSS Progress Report. Check "Progress Report" each time the FSS Addendum is completed for the FSS family other than when the family enrolls in or exits the FSS program. FSS Progress Report will generally be checked when the Transaction type reported on line 15h of the HUD-50058 is

2 (Reexamination),
3 (Interim redetermination), or
7 (Other change of unit).

For the FSS Progress Report, complete Sections I, II, III, and IV of the HUD-50058-FSS.

FSS Exit Report. Check "Exit Report" when the participating family has completed its obligations under the FSS Contract of Participation or has left the HA's FSS program for any other reason. *If a family exits the FSS program at a time other than one of the seven transaction types shown on line 15h of the HUD-50058, report the family's FSS exit the next time a HUD-50058 is required and submitted for the family.*

For the Exit Report, all sections of the HUD-50058-FSS must be completed. This is the only time that Section V, Exit Information, is completed.

Section II: Family Information

1. Selection Preference for FSS because of Related Service Program Participation. (Required only for FSS Enrollment Report)

Check "Yes" if the family was selected to participate in the FSS program because of its participation in, or being on the waiting list for, an FSS related service program (e.g., JOBS or JTPA). Otherwise check "No."

If "Yes" is checked, indicate the FSS-related service program(s) for which preference was given:

JOBS means Job Opportunities and Basic Skills Program (authorized by part F of title IV of the Social Security Act) that provides education, training, and employment assistance as well as child care and other supportive services to enable AFDC recipients to avoid long-term welfare dependency. At the state-level it is known by a variety of names, including Project Independence, GAIN, REACH, FIP, and ET Choices.

JTPA means Job Training Partnership Act (a program administered by the Department of Labor) for youth and unskilled adults who are unprepared to enter the labor force, those who are economically disadvantaged, and individuals with serious barriers to employment who need training to obtain productive employment.

Other means other service programs related to FSS.

Section III: FSS Services.

1. Initial Start and End Dates of Contract of Participation. Enter the effective date and expiration date of the family's FSS Contract of Participation when the family ***initially*** enrolled in the FSS program using the mm/yyyy format. The contract term will be for a period of 5 years.

2. Contract Date Extended to: If the family's FSS Contract of Participation has been extended beyond the initial end date entered at enrollment, enter the new end date for the contract using the mm/yyyy format. Otherwise leave blank.

4. Family Services Table. The table includes a listing of 12 different services and blank columns to be completed to show whether the services are needed by, provided to, and completed by the FSS participants. The Individual Training and Services Plan(s) in the family's Contract of Participation provides the information to be entered in this table.

Column (a) Contract Identified Service Needs. For the FSS Enrollment Report, enter the number of participating adult household members who need each service shown, except Child Care. For Child Care, enter the number of children needing that service.

For FSS Progress Reports and the FSS Exit Report, the information for column (a) may be copied from the family's previous FSS Addendum unless the Contract of Participation has been amended to reflect new service needs for the FSS participants.

Leave column (a) blank if no need for the service has been identified.

Column (b) Service Provided since Last Report. Indicate the number of participating adult household members who received each service shown, except Child Care, for the period since the last HUD-50058 was submitted. For Child Care, enter the number of children who received that service since the last HUD-50058 was submitted. Leave column (b) blank if the service was not provided to the FSS family since submission of the last HUD-50058.

Column (b) applies to the period from the date of the last HUD-50058 submission to the date of the current report. Any activity during that period should be reported -- whether that service was newly begun or was ongoing from an earlier period. Services provided for any duration within this time period should be reported; they need not have been provided for the entire period.

Column (c) Education/Training Completed. Column (c) pertains only to education/training services. Enter the number of participating adult family members who have successfully completed each service. Leave column (c) blank if the service has not been completed by any participating family member. The completion of education and training goals during any time period (not just the current reporting period) should be noted in column (c).

Section IV: FSS Account Information

1. Current FSS Account Monthly Credit. Enter the amount currently being credited to the family's FSS account due to increases in earned income by the family. Record the amount in whole dollars. Do not show cents or dollar signs. Round the amount to the nearest dollar (up on dollar for amounts of 50 cents or more; drop the cents for amounts of 49 cents or less). If the family is not making contributions to an FSS account, enter a zero (0).

2. Current FSS Account Balance. Enter the current amount of the family's FSS account based on the most recent reporting of account funds. Include both the amounts paid in by the family and the prorated investment income credited to the account. As noted in 1, record the amount in whole dollars. If an FSS account has not yet been established for the family, enter a zero (0).

3. FSS Account Amount Disbursed to the Family. Enter the total cumulative amount, if any, disbursed to the family from its FSS Account. Enter only whole dollar amounts and do not show cents or dollar signs. If no funds were disbursed enter a zero (0).

Section V: Exit Information

Complete this section only for an FSS Exit Report, when the family has left the HA's FSS program.

Reason for Exit. There are two reasons for a family exiting the HA's FSS program: Completed Contract of Participation or Left the Program without Completion. Check one and only one of the boxes to indicate the reason for exit:

Completed Contract of Participation. Check when the family has fulfilled all its obligations under the contract during the contract term; or when 30 percent of the family's monthly adjusted income equals or exceeds the existing housing fair market rent for the unit size for which the family qualifies.

Left HA's FSS Program without Completion. Check when the family has left HA's FSS program before any of the conditions described above under ***Completed Contract*** has been met. If the family left the program without completion, also indicate whether the family left voluntarily, was asked to leave, left because services were unavailable, or did not fulfill its contract obligations before the contract expired:

Left Voluntarily means the contract was terminated through mutual consent of the family and the HA, or the family decided to withdraw.

Asked to Leave Program means the HA terminated the Contract of Participation because a family member failed to meet obligations required under the Contract of Participation, or because other family actions were inconsistent with the purpose of the FSS program.

Left because Essential Service was Unavailable means the HA declared the Contract of Participation null and void because a particular service deemed essential to a family's ability to become self-sufficient was unavailable.

Contract Expired but Family did not Fulfill Obligations means the term of the Contract of Participation expired but the family did not meet all of its contract obligations.

[FR Doc. 96–24784 Filed 9–26–96; 8:45 am]
BILLING CODE 4210–33–C

[Docket No. FR–4065–N–05]

Office of the Assistant Secretary for Community Planning and Development; Notice of Funding Availability (NOFA) and Program Guidelines for the Economic Development Initiative (EDI); Announcement of OMB Approval Number

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: On July 16, 1996 (61 FR 37132), the Department published a Notice of Funding Availability (NOFA) in the Federal Register announcing the availability of approximately $50,000,000 in FY 1996 funding for the Economic Development Initiative Program. The document indicated that information collection requirements contained in the notice had been submitted to the Office of Management and Budget for review and approval under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and that when approved, the OMB control number would be announced by separate notice in the Federal Register.

The purpose of this document is to announce the OMB approval number for the July 16, 1996 notice.

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division, Office of Block Grant Assistance, Room 7178, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1871. (This is not a toll-free number.)

Persons with hearing- or speech-impairments may access these numbers via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Accordingly, the control number approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) for the Notice of Funding Availability (NOFA) and Program Guidelines for the Economic Development Initiative (EDI), published in the Federal Register on July 16, 1996 (61 FR 36132), is 2506–0153. The approval number expires on December 31, 1996. 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.

Dated: September 23, 1996.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 96–24785 Filed 9–26–96; 8:45 am]

BILLING CODE 4210–29–P

[Docket No. FR–4124–N–05]

Office of the Assistant Secretary for Community Planning and Development; 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 underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR Part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Verterans 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 form the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest of 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. Derrick Mitchell, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–

6083; Air Force: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area—MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020, (202) 767–4184; Energy: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585, (202) 586–1191; Navy: Mr. John J. Kane, Deputy Division Director, Department of the Navy, Real Estate Operations, Naval Facilities Engineering Command, Code 241A, 200 Stoval Street, Alexandria, VA 22332–2300; (703) 325–0474; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Officer of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–0052; Interior: Ms. Lola D. Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; Transportation: Mr. Crawford F. Grigg, Director, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (202) 366–4246; (These are not toll-free numbers).

Dated: September 20, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Suitable/Available Properties

Buildings (by State)

California

Bldgs. 1406, 1407
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency : Navy
Property Number: 779620030
Status: Excess
Comment:4800 sq. ft. & 2600 sq. ft. modular bldgs., presence of asbestos/lead paint, most recent use—combined research lab, off-site use only.

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency : Navy
Property Number: 779240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240012
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Bldg. T33 Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310003
Status: Unutilized
Comment: 1536 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 594
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620011
Status: Unutilized
Comment: 1300 sq. ft., most recent use—parking garage, off-site use only.

Bldgs. S233–S234, S241–S244
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620012
Status: Unutilized
Comment: 90 sq. ft. each, need repairs, most recent use—storage, off-site use only.

Bldgs. S229–S232
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620013
Status: Unutilized
Comment: 180 sq. ft. each, need repairs, most recent use—storage, off-site use only.

Bldg. 4, Naval Station
Pearl Harbor, Bishop Point (Hickman AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620043
Status: Unutilized
Comment: 576 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 20, Naval Station
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620044
Status: Unutilized
Comment: 252 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. 537, Naval Station
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620045
Status: Unutilized
Comment: 1200 sq. ft., most recent use—storage, off-site use only.

Kentucky

Building
Lincoln's Birthplace, 132 Park Service Rd.
Hodgenville Co: LaRue KY 42748–
Landholding Agency: Interior
Property Number: 619630007
Status: Excess
Comment: 1187 sq. ft., needs rehab, presence of asbestos, most recent use—residential, one lane service road to property heavily forrested, off-site use only.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq ft., 1 story bldg, most recent use—storage, structural deficiencies.

Bldg. 373, Topsham Annex
Naval Air Station
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320024
Status: Excess
Comment: 1300 sq. ft., 1 story, most recent use—public works maintenance shop, on 2.55 acres.

New Hampshire

Naval & Marine Corp. Rsv. Ctr.
199 North Main St.
Manchester NH 03102–
Landholding Agency: Navy
Property Number: 779530005
Status: Excess
Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup.

New York

Fed. Office Building
35 Ryerson Street
Brooklyn Co: Kings NY
Landholding Agency: GSA
Property Number: 549630011
Status: Excess
Comment: Nine floors and basement, possible asbestos, needs rehab, most recent use—VA Clinic.
GSA Number: 1–G–NY–637A.

North Carolina

Bldg. 119, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620024
Status: Unutilized
Comment: 1721 sq. ft., 1-story, most recent use—residence, off-site use only.

Bldg. 120, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620025
Status: Unutilized
Comment: 1823 sq. ft., 1-story, most recent use—residence, off-site use only.

Bldg. 121, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620026
Status: Unutilized
Comment: 1456 sq. ft., 1-story, most recent use—residence, off-site use only.

Bldg. 127, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620027
Status: Unutilized
Comment: 14276 sq. ft., 1-story, most recent use—garage, off-site use only.

Bldg. 128, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620028
Status: Unutilized
Comment: 2008 sq. ft., 2-story, most recent use—residence, may have State historical significance, off-site use only.

Bldg. 146, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620029
Status: Unutilized
Comment: 1900 sq. ft., concrete block, most recent use—gas station, off-site use only.

Pennsylvania

Naval Reserve Center
Dalton Ave. & Mayfair St.
McKeesport Co: Allegheny PA 15132–
Landholding Agency: Navy
Property Number: 779520034
Status: Excess
Comment: 3 interconnected quonset huts, need rehab, possible lead paint, lease restrictions, off-site removal only.

Rhode Island

Parcel 6 (7 Bldgs.)
Naval Construction Battalion Center
Davisville Co: Kent RI 02854–1161
Landholding Agency: Navy
Property Number: 779620031
Status: Excess
Comment: 1 story, presence of asbestos, on 6.9 acres, includes gen. warehouses, heat plant, administration, storage.

Tennessee

Bldg. 01–204
Stones River National Battlefield
Nickens Lane
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: Interior
Property Number: 619630004
Status: Excess
Comment: 1469 sq. ft., most recent use—residential, off-site use only.

Bldg. 01–217
Stones River National Battlefield
Blansett St.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: Interior
Property Number: 619630005
Status: Excess
Comment: 1567 sq. ft., most recent use—residential, off-site use only.

Bldg. 01–218
Stones River National Battlefield
Blansett St.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: Interior
Property Number: 619630006
Status: Excess
Comment: 1420 sq. ft., most recent use—residential, off-site use only.

Texas

7 Office Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630007
Status: Excess
Comment: 1–3 stories, potential restrictive covenants (historic).
GSA Number: 7–U–TX–1041

5 Storage Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630008
Status: Excess
Comment: 1-story, potential restrictive covenants (historic).
GSA Number: 7–U–TX–1041

6 Misc. Buildings
Former SW Regional Headquarters
4400 Blue Mound Road TX 76106–
Landholding Agency: GSA
Property Number: 549630009
Status: Excess
Comment: Including cafeteria, guard shacks, pumphouse, transformer eng. gen. bldg., potential restrictive covenants (historic).
GSA Number: 7–U–TX–1041

Former Weather Radar Site
Co: Rusk TX 72652–
Landholding Agency: GSA
Property Number: 549630012
Status: Excess
Comment: 2542 sq. ft. office, needs rehab.
GSA Number: 7–C–TX–1042

Virginia

Quarters 250
Williamsburg Co: James City VA 23185–
Landholding Agency: Interior
Property Number: 619630003
Status: Excess
Comment: 1125 sq. ft., moisture problem, most recent use—residence, off-site use only.

Wisconsin

Washburn Ranger's Dwelling
3 East 3rd St.
Washburn Co: Bayfield WI 54891–
Landholding Agency: GSA
Property Number: 549630010
Status: Excess
Comment 619 sq. ft., wood frame residence w/garage, historic preservation covenant.
GSA Number: 1–A–WI–590

Land (by State)

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Kentucky

West Point Access Site No. 12
Cannelton Locks & Dam
West Point Co: Hardin KY 40177–
Landholding Agency: GSA
Property Number: 549630005
Status: Excess
Comment: 20.55 acres w/comfort station, periodic flooding, most recent use—recreational area.
GSA Number: 4–D–KY–606

Rhode Island

Portion of Parcel 4
Naval Construction Battalion Center
Davisville Co: Kent RI 02854–1161
Landholding Agency: Navy
Property Number: 779310031
Status: Excess
Comment: Approximately 4 acres.

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA Number: 7–N–TX–402–V

Suitable/Unavailable Properties

Buildings (by State)

Maine

Bldg. 376, Naval Air Station
Topsham Annex
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320011
Status: Unutilized
Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab.

Maryland

Bldg. 230
Naval Communication Detachment
9190 Commo Road
Cheltenham Co: Prince George MD 20397–5520
Landholding Agency: Navy
Property Number: 779330010
Status: Unutilized
Comment: 12,384 sq. ft., 4-story, needs rehab, potential utilities, includes 37 acres of land.

Ohio

Naval & Marine Corps Res. Cntr
315 East LaClede Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 779320012
Status: Unutilized
Comment: 3067 sq. ft., 2-story, possible asbestos.

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 779530007
Status: Underutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house.

Bldg. 561
Former Ramey AFB
Aquadilla PR 00604–
Landholding Agency: Navy
Property Number: 779630001
Status: Unutilized
Comment: 102,666 sq. ft. bldg. on 12.287 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos.

Texas

Bldg. 2435
Laguna Housing Area
NAS Corpus Christi

Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2436
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010162
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2460
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010163
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2462
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010164
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2464
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010165
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2466
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010166
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2467
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010167
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2468
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010168
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2472
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010169
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2476
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010170
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2482
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010171
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2495
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010172
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2514
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010173
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2518
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010174
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2520
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010175
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2522
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010176
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2526
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010177
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2423
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010178
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2427
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010179
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2431
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010180
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2424
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010181
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2433
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010182
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2428
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010183
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2429
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010184
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2454
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010185
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2477
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010186
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2485
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010187
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2499
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010188
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2503

Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010189
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2507
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2513
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010191
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2521
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010192
Status: Underutilized
Comment: 3152 sq. ft.; 1 story residence.

Bldg. 2451
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010193
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2458
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010194
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2461
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010195
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2473
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010196
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2478
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010197
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2480
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010198
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2484
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010199
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2486
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010200
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2487
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010201
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2488
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010202
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2494
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010203
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2500
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010204
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2502
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010205
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2506
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010206
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2508
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010207
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2525
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010208
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2452
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010209
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2475
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010210
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2479
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010211
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2497
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010212
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2501
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010213
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2505
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010214
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2515
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010215
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2517
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010216
Status: Underutilized

Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2519
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010217
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2523
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010218
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2465
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010219
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2493
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010220
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2510
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010221
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2474
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010222
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2481
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010223
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2509
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010224
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2511
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010225
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2512
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010226
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2527
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010227
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq ft., 1 story, possible asbestos, most recent use—laundry.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling Co: Ohio WV 26003
Landholding Agency: Navy
Property Number: 779010077
Status: Excess
Comment: 32000 sq. ft.; 1 floor, most recent use—offices; 15% of total space occupied; needs rehab; land leased from city—expires September 1990.

Land (by State)

Colorado

Cotter Transfer Site
White Water Co: Mesa Co 81527–
Landholding Agency: GSA
Property Number: 549630006
Status: Excess
Comment: 109.63 acres, portion may be in floodplain, most recent use—train, truck transfer.
GSA Number: 7–B–CO–626

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres.

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access.

Virgin Islands

Ham's Bluff Test Site
Freddriksted Co: St. Croix VI 00840–
Landholding Agency: Navy
Property Number: 779530006
Status: Unutilized
Comment: 22.5 acres, bldg. construction underway, secured area w/alternate access, property reverts to Transportation when Navy vacates.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; use—office space.

Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—office.

Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—dinning hall.

Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—barracks.

Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—shop.

Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–

Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized
Comment: 100 sq. ft.; 1 story permanent bldg; secured facilities with alternate access; most recent use—storage.

Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010265
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—filling station.

Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010266
Status: Unutilized
Comment: 4320 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access; most recent use—bowling alley.

Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010267
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access; most recent use—recreation building.

LAND (by State)

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Unsuitable Properties

Buildings (by State)

Alabama

7 Bldgs., Fort Rucker
#105, 106, 119, 4004, 4110, 6211, 8905
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 406, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630010
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 101, 5906, 5907
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630011
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 117, 121, 122, 211
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630012
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 102, 3806, 3813
Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630013
Status: Unutilized
Reason: Extensive deterioration.

6 Bldgs., Fort Rucker
#4112, 4113, 5007, 5011, 5013, 5023
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219630014
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3434, Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219630015
Status: Unutilized
Reason: Secured Area.

Bldg. 3435, Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219630016
Status: Unutilized
Reason: Secured Area.

Bldg. 5105, Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219630017
Status: Unutilized
Reason: Secured Area.

Bldg. 7420, Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219630018
Status: Unutilized
Reason: Secured Area.

Alaska

Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area.

LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area.

Bldg. 10196
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310021
Status: Unutilized
Reason: Secured Area.

Bldg. 10517
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310022
Status: Unutilized
Reason: Secured Area.

Bldg. 10518
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310023
Status: Unutilized
Reason: Secured Area.

Bldg. 10535
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310024
Status: Unutilized
Reason: Secured Area.

Bldg. 10538
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310025
Status: Unutilized
Reason: Secured Area.

Bldg. 10539
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310026
Status: Unutilized
Reason: Secured Area.

Bldg. 10540
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310027
Status: Unutilized
Reason: Secured Area.

Bldg. 10603
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310028
Status: Unutilized
Reason: Secured Area.

Generator Bldg.
Naval Security Group Activity
Adak Island AK
Landholding Agency: Navy
Property Number: 779310017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Arkansas

39 Bldgs.
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Location: 2046–2047, 2049, 2122, 2127–2128, 2130–2131, 2133, 2209, 2211–2212, 2214–2215, 2222–2224, 2226–2227, 2320–2323, 2325, 2332–2333, 2335–2336, 2415–2419, 2426–2427, 2428–2431
Landholding Agency: Army
Property Number: 219630019
Status: Unutilized
Reason: Extensive deterioration.

28 Bldgs.
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Location: 122, 131, 133, 136, 400, 1353, 1503, 1526, 1533, 1539, 1542, 1575, 1576, 1614, 1619, 1632, 1635, 1636, 1639, 1668, 1675, 1780, 1784, 1785, 2043, 2124, 2414, 2464
Landholding Agency: Army

Property Number: 219630020
Status: Unutilized
Reason: Extensive deterioration.

6 Bldgs.
Fort Chaffee #1342, 1346, 1620, 1625, 1669, 1678
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 321
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 803
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630023
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2115–2120
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2200–2206
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630025
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2231–2236
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630026
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2300–2306
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630027
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2341–2346
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2530
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6288
Fort Chaffee
Ft Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219630030
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 00350
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630058
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 105
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010159
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 165
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: sewer treatment facility.

Bldg. 31104
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779340003
Status: Unutilized
Reason: Secured Area.

Bldg. 31107
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779420001
Status: Unutilized
Reason: Secured Area.

Bldg. 15951
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779430006
Status: Unutilized
Reason: Secured Area; Extensive deterioration; Within 2000 ft. of flammable or explosive material.

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 00366
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520001
Status: Excess
Reason: Secured Area.

Bldg. 00405
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520002
Status: Excess
Reason: Secured Area.

Bldg. 00418
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520003
Status: Excess
Reason: Secured Area.

Bldg. 00421
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520004
Status: Excess
Reason: Secured Area.

Bldg. 00426
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520005
Status: Excess
Reason: Secured Area.

Bldg. 00427
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520006
Status: Excess
Reason: Secured Area.

Bldg. 00429
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520007
Status: Excess
Reason: Secured Area.

Bldg. 00430
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520008
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00360, 00415, 00419, 00423, 00414
Landholding Agency: Navy
Property Number: 779520009
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00428, 00359, 00362, 00369, 00409
Landholding Agency: Navy
Property Number: 779520010
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00367, 00416, 00425, 00365, 00368
Landholding Agency: Navy

Property Number: 779520011
Status: Excess
Reason: Secured Area.

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00370, 00371, 00385, 00404
Landholding Agency: Navy
Property Number: 779520012
Status: Excess
Reason: Secured Area.

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00412, 00433, 00434, 00435
Landholding Agency: Navy
Property Number: 779520013
Status: Excess
Reason: Secured Area.

Bldgs. 31030, 31031 & 31034
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779520015
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 481
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520018
Status: Unutilized
Reason: Secured Area.

Bldg. 482
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520019
Status: Excess
Reason: Secured Area.

Bldg. 356
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520020
Status: Excess
Reason: Secured Area.

Bldg. 361
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520021
Status: Excess
Reason: Secured Area.

Bldg. 364
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520022
Status: Excess
Reason: Secured Area.

Bldg. 373
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520023
Status: Excess
Reason: Secured Area.

Bldg. 407
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520024
Status: Excess
Reason: Secured Area.

Bldg. 413
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520025
Status: Excess
Reason: Secured Area.

Bldg. 366
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520026
Status: Unutilized
Reason: Secured Area.

Bldg. 432
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520027
Status: Excess
Reason: Secured Area.

Bldg. 372
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520028
Status: Excess
Reason: Secured Area.

Bldg. 417
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520029
Status: Excess
Reason: Secured Area.

Bldg. 422
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520030
Status: Excess
Reason: Secured Area.

Bldg. 424
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520031
Status: Excess
Reason: Secured Area.

Bldg. 30735
Naval Air Weapons Center
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779530029
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 20186
Observation Tower, Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779540001
Status: Excess
Reason: Extensive deterioration.

Bldg. 120
Naval Air Weapons Station, Point Mugu
San Nicholas Island Co: Ventura CA 97042–
Landholding Agency: Navy
Property Number: 779540002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 122
Naval Air Weapons Station
Point Mugu Co: Ventura CA 93042–
Landholding Agency: Navy
Property Number: 779610001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1468
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610002
Status: Underutilized
Reason: Secured Area.

Bldg. 1469
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 77910003
Status: Underutilized
Reason: Secured Area.

Bldg. 31035
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779620036
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 00358
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620046
Status: Unutilized
Reason: Secured Area.

Bldg. 00357
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779620047
Status: Unutilized
Reason: Secured Area.

Bldg. 330
Naval Air Weapons Station—Point Mugu
Oxnard Co: Ventura CA 93042–5001
Landholding Agency: Navy
Property Number: 779630038
Status: Unutilized
Reason: Extensive deterioration.

Colorado

Bldg. 446
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80402–
Landholding Agency: Energy
Property Number: 419630002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 461
Rocky Flats Environmental Tech Site
Golden Co: Jefferson CO 80402–
Landholding Agency: Energy
Property Number: 419630003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Connecticut

Naval Housing—7 Bldgs.
Naval Submarine Base
New London Co: Groton CT
Landholding Agency: Navy
Property Number: 779510001
Status: Unutilized
Reason: Secured Area.

Florida

Bldg. 538, Patrick AFB
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189630056
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1487, Patrick AFB
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189630057
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Bldg. T–204
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–219
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630032
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–228
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630033
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–232
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630034
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–235
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630035
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–329
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–332
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630037
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–854
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630038
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–901
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630039
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1103
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630040
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–6035
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630041
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A1620
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630042
Status: Unutilized
Reason: Extensive deterioration.

Bldg. B1404
Fort Gordon
Ft. Gordon Co: Richmond GA 30950–
Landholding Agency: Army
Property Number: 219630043
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 19140
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630044
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 19160
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630045
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs.
Fort Gordon
22806, 23801, 23808, 71208
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630046
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 25102
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630047
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 25106
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630048
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 25108–25113, 25204
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 25202
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630050
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 33607
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630051
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 33608
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630052
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 36305
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630053
Status: Unutilized
Reason: Extensive deterioration.

10 Bldgs.
Fort Gordon
51301–51304, 51310, 51316, 51321–51324
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630054
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51305
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630055
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51306
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630056
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 51307–51308
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630057

Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51317
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630058
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 51318, 91607, 91617
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630059
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 51320
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630060
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 91502
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630061
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 61405
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630062
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 61709
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630063
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 71401
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630064
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 71402, 81402–81403
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630065
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 71404
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630066
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 91605
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630067
Status: Unutilized
Reason: Extensive deterioration.

9 Bldgs.
Fort Gordon
91609, 91615–91616, 91621–91624, A1616, A1622
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630068
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 91619
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219630069
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 155, Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 219630070
Status: Unutilized
Reason: Secured Area.

Bldg. 2389, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219630071
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–379, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630072
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S7334, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630073
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P8324, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630074
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1079, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630075
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–937, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630076
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1078, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630077
Status: Unutilized
Reason: Extensive deterioration.

Naval Submarine Base-Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area.

Guam

Bldg. 96
U.S. Naval Ship Repair Facility
PSC 455 Co: Box 191, FPO AP GU 96540–1400
Landholding Agency: Navy
Property Number: 779240018
Status: Unutilized
Reason: Extensive deterioration.

Hawaii

Bldg. T–1039
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219630078
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1040
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219630079
Status: Unutilized
Reason: Extensive deterioration.

Facility P–2607
Schofield Barracks Military Reservation
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219630080
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other
Comment: Extensive Deterioration.

Bldg. Q75, Naval Magazine
Laulaualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Facility 189, Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310045
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 342, Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 343, Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310047
Status: Unutilized

Reason: Extensive deterioration; Secured Area.

Facility S6194
Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310048
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility S7124
Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310049
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 5985
Naval Station Pearl Harbor
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779310086
Status: Excess
Reason: Extensive deterioration.

Bldg. 6, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Navy Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530009
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530010
Status: Excess
Reason: Secured Area.

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779530011
Status: Excess
Reason: Secured Area.

Bldg. S245, Ford Island
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620020
Status: Excess
Reason: Extensive deterioration.

Bldg. S246, Ford Island
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620021
Status: Excess
Reason: Extensive deterioration.

Bldg. 98
Pearl Harbor Naval Shipyard
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779620032
Status: Excess
Reason: Extensive deterioration.

Pacific Missile Range Facility
Barking Sands
Kekaha Co: Kauai HI 96752–0128
Landholding Agency: Navy
Property Number: 779620049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 309, Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630026
Status: Excess
Reason: Extensive deterioration.

Bldg. 314, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630027
Status: Excess
Reason: Extensive deterioration.

Bldg. 307, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 315, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 441, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630030
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 510, NAVMAG
Navy Public Works Center
Lualualei Co: Honolulu HI 96792–
Landholding Agency: Navy
Property Number: 779630031
Status: Excess
Reason: Extensive deterioration.

Bldg. 13
Navy Public Works Center
Lualualei Co: Honolulu HI 96792–
Landholding Agency: Navy
Property Number: 779630032
Status: Excess
Reason: Extensive deterioration.

Bldg. 118, Hale Moku
Navy Public Works Center
Pearl Harbor Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 779630033
Status: Excess
Reason: Extensive deterioration.

Bldg. 23, Naval Station
Navy Public Works Center
Ford Island Co: Honolulu HI 96818–
Landholding Agency: Navy
Property Number: 779630034
Status: Excess
Reason: Extensive deterioration.

Bldg. A, NAVMAG
Navy Public Works Center
West Loch Co: Honolulu HI
Landholding Agency: Navy
Property Number: 779630035
Status: Excess
Reason: Extensive deterioration.

Bldg. B. NAVMAG
Navy Public Works Center
West Loch Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630036
Status: Unutilized
Reason: Extensive deterioration.

Bldg. C. NAVMAG
Navy Public Works Center
West Loch Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630037
Status: Excess
Reason: Extensive deterioration.

Bldg. 119
Naval & Marine Corps Reserve Readiness Ctr
Honolulu Co: Oahu HI 96818–3753
Landholding Agency: Navy
Property Number: 779630039
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 120
Naval & Marine Corps Reserve Readiness Ctr
Honolulu Co: Oahu HI 96818–3753
Landholding Agency: Navy
Property Number: 779630040
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1272
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630041
Status: Excess
Reason: Secured Area.

Bldg. 1278
Naval Station Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779630042
Status: Excess
Reason: Secured Area.

Bldg. 5490
Iroquois Point Housing
Ewa Beach Co: Honolulu HI 96706–
Landholding Agency: Navy
Property Number: 779630043
Status: Excess
Reason: Extensive deterioration.

Illinois

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured Area.

Bldg. 28
Naval Training Center

Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area.

Bldg. 25
Naval Training Center
Great Lakes
Landholding Agency: Navy
Great Lakes Co: Lake IL 60088–
Property Number: 779010126
Status: Unutilized
Reason: Secured Area.

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area.

Bldg. 235
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured Area.

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured Area.

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area.

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area.

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area.

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area.

Kansas

Bldg. P–754, Fort Riley
Ft. Riley, KS 66442–
Landholding Agency: Army
Property Number: 219630085
Status: Unutilized
Reason: Extensive deterioration.

Kentucky

Bldg. 2, Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219630081
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 17, Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219630082
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 18, Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219630083
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1376, Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219630084
Status: Unutilized
Reason: Extensive deterioration.

Maine

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77920015
Status: Excess
Reason: Secured Area.

Bldg. 384
Naval Air Station Topsham
Brunswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779340001
Status: Unutilized
Reason: Extensive deterioration.

Maryland

Bldg. 2216
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219630086
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2218
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219630087
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2447
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219630088
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2844
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219630089
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 6516
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 291630090
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2179
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219630091
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2180
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219630092
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2245
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219630093
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2249
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219630094
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E3572
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219630095
Status: Unutilized
Reason: Extensive deterioration.

Michigan

15 Offshore Lighthouses
Great Lakes MI
Landholding Agency: GSA
Property Number: 549630014
Status: Excess
Reason: Extensive deterioration.

New Jersey

Bldg. T00219, Fort Dix
Ft. Dix Co: Burlington NJ 08640–5505
Landholding Agency: Army
Property Number: 219630098
Status: Unutilized
Reason: Extensive deterioration.

New York

Bldg. 1184
Constitution Island, U.S. Military Academy
Cold Springs Co: Putman NY 10516–
Landholding Agency: Army
Property Number: 219630096
Status: Underutilized
Reason: Extensive deterioration.

Bldg. 1537, Camp Buckner
U.S. Military Academy-West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630097
Status: Underutilized
Reason: Extensive deterioration.

2 Offshore Lighthouses
Great Lakes NY
Landholding Agency: GSA
Property Number: 549630015
Status: Excess
Reason: Extensive deterioration.

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630029
Status: Excess
Reason: Secured Area.

North Carolina

Bldg. K1319
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630099
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M2756
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630100
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A4339
Fort Bragg
Ft. Bragg Co: Cumberland NC 28333307–
Landholding Agency: Army
Property Number: 219630101
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A4364
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630102
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A488½
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630103
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A5026
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630104
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A5027
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630105
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A5082, A5282, B5382
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630106
Status: Unutilized
Reason: Extensive deterioration.

Bldg. B6938
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630107
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M7157
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630108
Status: Unutilized
Reason: Extensive deterioration.

Bldg. SH–7
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–11
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–13
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–16
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–17
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–21
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–31
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SSH–10
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–209
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–589
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–590
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–4138
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410028
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–4139
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410029
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 867
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 939
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 940
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. H–38
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410033
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SM–173
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410034
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1744
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410035
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. PT–42
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–93
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420003
Status: Unutilized
Reason: Secured Area.

Bldg. TC–910
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–942
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–1213
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 79
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420008
Status: Excess
Reason: Secured Area.

Bldg. 281
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420009
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 282
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420010
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 88
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420011
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 98
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420012
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 99
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420013
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1234
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420014
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1235
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420015
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1246
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420016
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1390
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420017
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1710
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420018
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1742
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420019
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1743
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420020
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1744
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420021
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1745
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3450
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420023
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 8067
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420024
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3546
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420025
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg 9017
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg 9019
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg 9021
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9023
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9035
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430005
Status: Unutilized
Reason: Extensive deterioration.

Structure #AS582
New River Air Station
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–299, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 854, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 883, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TC–174, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TC–179, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 935, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility 1972, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3248
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779440009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 552, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 587, Camp Lejeune
Camp Lejuene Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TT 38, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 49, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 147, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BB 166, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SM 183, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BB 222, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 451, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 630, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S 745, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 805, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 866, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 954, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1808, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1810, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure #SVL 142
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure #FC 363
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510022
Status: Unutilized
Reason: Secured Area.

Structure #AS 583
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510023
Status: Unutilized
Reason: Secured Area.

Structure #1966
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure #2322
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510025
Status: Unutilized
Reason: Secured Area.

Structure RR–85
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520016
Status: Unutilized

Reason: Secured Area; Extensive deterioration.

Structure SRR–86
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 168
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530015
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 959
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530016
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 977
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530017
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1056
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530018
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1739
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530019
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1741
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530020
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1990
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530021
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1991
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 914
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530023
Status: Excess
Reason: Extensive deterioration.

Bldg. 981
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530024
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 986
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530025
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 987
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530026
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 988
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530027
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1652
Marine Corps Air Station–Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530028
Status: Excess
Reason: Other
Comment: Detached Latrine.

Bldg. 8525
Marine Corps Air Station, Cherry Point Co: Jones NC 28585–
Landholding Agency: Navy
Property Number: 779610013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure M171
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure 910
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure SVL142
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure S936
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure FC363
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 924
Marine Corps Base, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 970, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SFC–104, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SFC–112, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SA–30, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. A–37, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1820, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. CR115, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy

Property Number: 779620001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 080, Camp Lejeune
Greater Sandy Run Training Area
Camp Lejeune Co: Onslow NC 28542–
Landholding Agency: Navy
Property Number: 779620023
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1315
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620037
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1748
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620038
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1898
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620039
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 4054
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620040
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 8075
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779620041
Status: Excess
Reason: Secured Area; Extensive deterioration.

Oklahoma

Bldgs. 426, 691
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–9002
Landholding Agency: Army
Property Number: 219630110
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 442
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–9002
Landholding Agency: Army
Property Number: 219630111
Status: Unutilized
Reason: Secured Area.

Pennsylvania

Bldg. 19
Scranton Army Ammunition Plant
Scranton Co: Lackawana PA 18505–
Landholding Agency: Army
Property Number: 219630112
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area.

Texas

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway.

Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway.

Bldg. 2476
Laguna Shores Housing Aeea
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway.

Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway.

Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway.

Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway.

Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway.

Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway.

Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway.

Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway.

Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway.

Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway.

Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway.

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway.

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway.

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway.

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway.

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway.

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway.

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway.

Virginia

Bldg. T00399
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 219630113
Status: Underutilized
Reason: Extensive deterioration.

Bldg. T–2600
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219630114
Status: Underutilized
Reason: Extensive deterioration.

Bldg. T–11504
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219630115
Status: Underutilized
Reason: Extensive deterioration.

Bldg. 712, Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219630116
Status: Underutilized
Reason: Extensive deterioration.

Bldgs. 1022, 1034, 1041
Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219630117
Status: Underutilized
Reason: Extensive deterioration.

Bldg. 63
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 244
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520036
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 286
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520037
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 416
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 521
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 539
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520040
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 760
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520041
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 763
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520042
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1335
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1488
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 79
Norfolk Naval Shipyard
Portsmouth VA 23079–5000
Landholding Agency: Navy
Property Number: 779610014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 444
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 459
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 462
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 495
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 761
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1438
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1442
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 380B
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779620022
Status: Unutilized
Reason: Secured Area.

Bldg. 15A
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 275
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779630024
Status: Unutilized
Reason: Secured Area.

Bldg. 430
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779630025
Status: Unutilized
Reason: Secured Area.

Bldg. 13
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630044

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 18
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 19
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 71
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630047
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 118
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 301
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 306
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630050
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 358
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 361
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 369
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 387
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630054
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 446
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630055
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 472
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630056
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 540
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630057
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 562
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630058
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 579
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630059
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 584
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 587
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630061
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 612
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630062
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 639
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630063
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 757
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630064
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 758
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630065
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 765
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630066
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 792
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630067
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1245
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630068
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1344
Naval Weapons Station, Yorktown Co: York VA 23691–

Landholding Agency: Navy
Property Number: 779630069
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1447
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630070
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1450
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630071
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1452
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630072
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1453
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630073
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1585
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630074
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1904
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1603
Naval Weapons Station, Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779630076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Washington

Moses Lake U.S. Army Rsv Ctr
Grant County Airport
Moses Lake Co: Grant WA 98837–
Landholding Agency: Army
Property Number: 219630118
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 57
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 47 (Report 1)
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area.

Bldg. 14
Naval Undersea Warfare Center Div., Keyport
Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779440001
Status: Unutilized
Reason: Secured Area.

Bldg. 39
Naval Undersea Warfare Center Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 779510020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Wisconsin

Bldg. 7032, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219630119
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8205, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219630120
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8210, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219630121
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8217, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219630122
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8218, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219630123
Status: Unutilized
Reason: Extensive deterioration.

2 Offshore Lighthouses
Great Lakes WI
Landholding Agency: GSA
Property Number: 549630016
Status: Excess
Reason: Extensive deterioration.

Land (by State)

California

Naval Air Station, Miramar
San Diego Co: San Diego CA 92145–5005
Landholding Agency: Navy
Property Number: 779440026
Status: Underutilized
Reason: Within airport runway clear zone; Other
Comment: Inaccessible.

Lease Parcel #2
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610004
Status: Underutilized
Reason: Secured Area.

N. ½ of lease Parcel #3
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610005
Status: Underutilized
Reason: Secured Area.

Lease Parcel #4
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610006
Status: Underutilized
Reason: Secured Area.

Lease Parcel #6
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610007
Status: Underutilized
Reason: Secured Area.

Lease Parcel #7
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610008
Status: Underutilized
Reason: Secured Area.

Lease Parcel #8
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610009
Status: Underutilized
Reason: Secured Area.

Lease Parcel #9
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610010
Status: Underutilized
Reason: Secured Area.

Lease Parcel #10
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610011
Status: Underutilized
Reason: Secured Area.

Lease Parcel #11
Naval Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–4301
Landholding Agency: Navy
Property Number: 779610012
Status: Underutilized
Reason: Secured Area.

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–

Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area.

Maryland

5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch.

Ohio

0.4051 acres, Lots 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.

Puerto Rico

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible.

Punta Figueras—Naval Station
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway.

Washington

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area.

[FR Doc. 96–24661 Filed 9–26–96; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sport Fishing and Boating Partnership Council

ACTION: Notice of meeting.

SUMMARY: As provided in Section 10(a)(2) of the Federal Advisory Committee Act, the Service announces a meeting designed to foster partnerships to enhance recreational fishing and boating in the United States. The meeting, sponsored by the Sport Fishing and Boating Partnership Council (Council), is open to the public and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: October 21, 1996, 1 p.m. to 4 p.m.

ADDRESSES: The meeting will be held at Pointe Hilton Resort at Tapatio Cliffs Resort, located at 11111 N. Seventh Street, Phoenix, Arizona.

Summary minutes of the conference will be maintained by the Coordinator for the Council at 1033 North Fairfax Street, Suite 200, Arlington, VA 22314, and will be available for public inspection during regular business hours within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

FOR FURTHER INFORMATION CONTACT: Doug Alcorn, Council Coordinator, at 703/836–1392.

SUPPLEMENTARY INFORMATION: The Council will convene to consider strategies for addressing boating, outreach, and education issues. The Council's Committee on Education and Outreach will recommend a plan for reaching out to and educating the public on recreational fishing and boating resource issues. A Council-appointed ad hoc working group will present its findings and strategy for addressing recreational boating issues. The Council will adopt, revise, or reject these recommended strategies. The Council will discuss the national Recreational Fisheries Stakeholder meeting scheduled at the same location the following day. The discussion will center around implementing the recommended actions identified by stakeholders. The Council will also hear a report on their September meeting with State Resource Agency Directors. Staff will provide an historic overview of Council achievements and will recommend future actions and direction for the group. Public comments will be sought and an attendance list will be developed. Minutes of prior meeting on August 7, 1996 will be considered for approval. A future meeting site and date will be selected.

Dated: September 16, 1996.

Edward H. Cynar II,

Acting Director.

[FR Doc. 96–24727 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–55–M

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: As provided in Section 10(a)(2) of the Federal Advisory Committee Act, the Service announces a meeting designed to foster partnership to enhance recreational fishing and boating in the United States. The meeting, sponsored by the Sport Fishing and Boating Partnership Council (Council), is open to the public and interested persons may participate in facilitated dialogue or may file written statements for consideration.

DATES: October 22, 1996, 8:00 p.m. to 5:00 p.m.

ADDRESSES: The meeting will be held at Pointe Hilton Resort at Tapatio Cliffs Resort, located at 11111 N. Seventh Street, Phoenix, Arizona. For room reservations blocked by the American Sportsfishing Association, call 1–800–876–4683.

Summary minutes of the conference will be maintained by the Coordinator for the Council at 1033 North Fairfax Street, Suite 200, Arlington, VA 22314, and will be available for public inspection during regular business hours within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

FOR FURTHER INFORMATION CONTACT: Doug Alcorn, Council Coordinator, at 703/836–1392.

SUPPLEMENTARY INFORMATION: The federally-chartered Sport Fishing and Boating Partnership Council will convene recreational fisheries stakeholders to address how the national community of fishery resource stewards will create a future where ''all waters of the United States will be capable of sustaining healthy fish populations, and all Americans will have access to and opportunity for a diverse array of quality recreational fishing experiences.'' The Recreational Fishery Resources Conservation Plan recently released by six federal Cabinet-level Secretaries and the Environmental Protection Agency contains this italicized vision statement. it will take a concerted, complementary effort by all

land and resource managers, all resource users, and the recreational fishing and boating industries to meet the challenge.

Using a 3-legged stool analogy, the Conservation Plan only represents one leg, the federal leg, that supports the national vision for recreational fisheries. State and Tribal resource managers may represent the second leg. Anglers, conservation groups, and the recreational fishing and boating industry also have a role that could be represented as a third leg of this stool. All three legs are necessary to hold the stool upright (and achieve the vision). If you agree and wish to contribute your ideas on what the second and third legs ought to include, please attend. You may also wish to comment on the Conservation Plan. This is a dynamic plan, to be revised as necessary. Your input will be appreciated. For a copy of the Conservation Plan contact the U.S. Fish and Wildlife Service Publications Unit at (703) 358–1711.

Dated: September 16, 1996.

Edward H. Cynar II,

Acting Director.

[FR Doc. 96–24728 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–55–M

Fish and Wildlife Service

Application for Approval of Tungsten-Iron Shot as Nontoxic for Waterfowl Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of application.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that Federal Cartridge Company (Federal) Anoka, Minnesota, has applied for approval of tungsten-iron shot for waterfowl hunting in the United States.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, or Cyndi Perry, Wildlife Biologist, Office of Migratory Bird Management (MBMO), (703) 358–1714.

SUPPLEMENTARY INFORMATION: Since the mid-1970s, the Service has sought to identify shot that, when spent, does not pose a significant toxic hazard to migratory birds and other wildlife. Currently, only bismuth-tin shot, on a conditional basis, and steel shot are approved by the Service as nontoxic. The Service believes approval for other suitable candidate shot materials as nontoxic is feasible. The Service is eager to consider these other materials for approval as nontoxic shot.

Federal submits their application for approval of tungsten-iron shot as nontoxic pursuant to Fish and Wildlife Service 50 CFR part 20.134, Migratory Bird Hunting: Nontoxic Shot Approval Procedures. The Service believes the candidate material shows promise and will consider the application.

Federals' candidate shot is made from sintering tungsten and iron, which together forms a two phase alloy. Shot made from this material has a density of approximately 10.3 gm/cc or 94 percent of the density of lead. The shot will contain nominally 55 percent by weight of tungsten and 45 percent by weight of iron. The pellet will have sufficient iron to attract a magnet.

Federals' application includes a description of the new shot, a toxicological report on the tungsten-iron shot, and a 30-day test to assess the toxicity of this shot in game-farm mallards. The toxicological report incorporates toxicity information - a synopsis of acute and chronic toxicity data for birds, acute effects, potential for environmental concern, toxicity to aquatic and terrestrial invertebrates, amphibians and reptiles; and information on environmental fate and transport - shot and/or shot coating alteration, environmental half-life, and environmental concentration. The toxicity study reveled no adverse effects when mallards were dosed with 8 BB size tungsten-iron shot and monitored over a 30-day period.

References

Barr Engineering Company. 1996. Toxicology Report on New Shot. Contract Report 2302118/40970–1/CET. 21 pp.

Bursian, S.J.,M.E. Kelly, R.J. Aulerich, D.C. Powell, and S. Fitzgerald. 1996. Thirty-Day Dosing Test to Assess the Toxicity of Tungsten-Iron Shot in Game-Farm Mallards. 1996. Report to Federal Cartridge Co. 77 pp.

Authorship

The primary author of this notice of application is Cynthia M. Perry, Office of Migratory Bird Management.

Dated: September 20, 1996.

Carolyn A. Bohan,

Acting Assistant Director for Refuges and Wildlife.

[FR Doc. 96–24816 Filed 9–26–96; 8:45 am]

Billing Code 4310–55–F

Bureau of Indian Affairs

Final Decision To Retract 1979 Decision of the Deputy Commissioner of Indian Affairs Regarding the Delaware Tribe of Indians

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final decision.

SUMMARY: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs (Assistant Secretary) by 209 DM 8.

Based on a comprehensive legal review conducted by the Division of Indian Affairs, Office of the Solicitor, dated June 19, 1996, and based on a review of the comments received from the public, the Assistant Secretary hereby retracts the letter of May 24, 1979, in which the Bureau of Indian Affairs through the Acting Deputy Commissioner determined that the Department of the Interior would engage in government-to-government relations with the Delaware Tribe of Indians only through the Cherokee Nation and that the Department would deal directly with the Delaware Tribe of Indians only for purposes of their claims against the United States. Notice is hereby given that the Delaware Tribe of Indians is a tribal entity recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of its status as an Indian tribe.

A Notice of Intent to Retract the 1979 Decision was published in the Federal Register on June 27, 1996 (61 FR 33534, June 27, 1996). The public was given until July 29, 1996 to comment on the proposed decision. A copy of the June 19, 1996, legal review prepared by the Division of Indian Affairs was sent to the Cherokee Nation of Oklahoma and to the Delaware Tribe of Indians on June 21, 1996, inviting comments on the proposed decision to retract the May 24, 1979, letter. Copies of the legal review were sent also to the Chickasaw Nation of Oklahoma, Choctaw Nation of Oklahoma, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation of Oklahoma.

Four letters containing public comments were received. Two of these letters included comments concerning the name of the tribe. The Federal Register notice of June 27, 1996 referred both to the ''Delaware Tribe of Eastern Oklahoma'' and to the ''Delaware Tribe.'' By letter dated July 24, 1996, the Chief of the Delaware Tribe of Indians stated that although they had ''been

(unofficially) called 'The Delaware Tribe of Eastern Oklahoma' * * * our legal name is the *Delaware Tribe of Indians*.'' By letter dated July 28, 1996, the Delaware Tribe of Western Oklahoma expressed concern that the tribe might be called the ''Delaware Tribe of Oklahoma,'' thereby causing confusion with the Delaware Tribe of Western Oklahoma. The Department has dealt with other tribes which have name similarities, as a review of the Federal Register list of ''Indian Entities Recognized and Eligible to Receive Services'' demonstrates (60 FR 9250, Feb. 16, 1995). The comment in the July 24, 1996, letter is accepted and the Department will use the ''Delaware Tribe of Indians'' as the tribe's name.

The Delaware Tribe of Western Oklahoma expressed concern that this final status clarification action may prejudice its rights as a continuation of the Delaware Nation. In response, the Assistant Secretary directs attention to the June 16, 1996, legal review of the Division of Indian Affairs which states that the Delaware were the first Indians to enter into a formal treaty with the federal government and that over the years, the Delaware became divided into groups. The legal review notes specifically that one of these groups is the federally recognized tribe, the Delaware Tribe of Western Oklahoma. This final decision on the Delaware Tribe of Indians does not change the status, or history, of the Delaware Tribe of Western Oklahoma.

The comment from the Delaware Tribe of Western Oklahoma states that the treaties and agreements between the Delaware Nation and the United States, and the Cherokee Nation and the United States must be examined with precision, and that the final determination must address the issues of Delaware sovereignty rather than being a political determination. The June 19, 1996, legal review was such a comprehensive and detailed analysis of the relevant legal record, including a detailed evaluation of pertinent treaties and agreements. This comment raises no new information meriting additional analysis.

A comment was received from the Cherokee Nation dated July 26, 1996. This comment concerns the Cherokee Nation's jurisdictional service area, its court system, law enforcement, Indian child welfare services and civil jurisdiction. Referencing 105 Stat. 990 (1991) and 25 CFR 151.8, the tribe states that it cannot responsibly share its jurisdictional land base, and provides that if the Delawares ''concede that their actions will not result in any diminishment of the Cherokee's present funding, its service area or jurisdictional base, then separate recognition would be agreeable to the tribe.'' A comment, by letter dated July 23, 1996, from an individual whose certificate of Indian blood identifies her as ''Cherokee (adopted Delaware),'' expressed concerns that the proposed decision did not contain language addressing the issues of dual enrollment and jurisdiction. This comment notes that the Delaware intend to prohibit dual enrollment, and that a driving force ''is the acquisition and control of federal dollars.''

The decision to retract the letter of May 24, 1979, is based on a comprehensive legal analysis of the pertinent treaties and agreements as well as a review of the Department of the Interior's administrative practice. Based on this review, the proposed decision published in the Federal Register concluded that the 1979 letter should be retracted because it was not consistent with federal law. Within the restraints imposed by federal law, the Delaware Tribe of Indians as a sovereign tribe will have the same rights to demand consultation and contracting as other tribes. As a separate sovereign, the Delaware Tribe of Indians will have the same legal rights and responsibilities as other tribes, consistent with federal law, both as to jurisdiction and as to its right to define its membership. This decision in effect clarifies the government-to-government relationship between the United States and the Delaware Tribe of Indians which was understood to exist before the May 1979 letter. Although this decision may have legal consequences affecting the Cherokee Nation and the members of both tribes, there is nothing in these comments which indicates that the basis of the proposed decision is in error or that the legal analysis of June 19, 1996, includes errors or is incomplete. These comments, therefore, do not merit a change in the proposed decision.

Based on the legal analysis of the Division of Indian Affairs dated June 19, 1996, and based on the foregoing analysis of the comments received during the public comment period, the Assistant Secretary hereby retracts the letter of May 24, 1979. The notice of proposed decision, 61 FR 33534, is hereby made final. Notice is hereby given that the Delaware Tribe of Indians is a tribal entity recognized and eligible for funding and services from the Bureau of Indian Affairs by virtue of its status as an Indian tribe.

By letter dated August 21, 1996, the attorney for the Delaware Tribe of Indians indicated that at a meeting of April 30, 1996, the Delaware Chief was informally advised that after the 30-day comment period following the Federal Register publication, the Delawares would have the opportunity to respond to any negative comments submitted. The letter of August 21, 1996, included the Delaware response to the comments of the Cherokee Nation and Delaware Tribe of Western Oklahoma. The notice in the Federal Register did not include a right by the Delaware Tribe of Indians to respond to the public comments. The letter of August 21, 1996, was reviewed and because it does not raise any new information or legal arguments pertinent to the basis of the proposed decision, the Assistant Secretary need not address whether the Delaware Tribe of Indians had a right to file this response even though none was provided for in the Federal Register notice.

Nothing herein should be construed as altering the powers and duties of the Delaware Trust Board.

Representatives from the Muscogee Area Office of the Bureau of Indian Affairs shall consult with the Delaware tribal officials and develop, in cooperation with the tribe, a determination of needs and recommended budget, including a determination of the tribal service population.

DATES: This decision is final for the Department and is effective September 23, 1996.

Dated: September 23, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96–24749 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[CO–030–06–1610–00–1784]

Southwest Resource Advisory Council Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice; Resource Advisory Council meetings.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 USC), notice is hereby given that the Southwest Resource Advisory Council (SW RAC) will meet on Thursday, October 10, 1996, in the BLM Montrose District Office Conference Room, 2465 South Townsend, Montrose, Colorado, and on Thursday, November 14, 1996, in the County Commissioner's Meeting Room, Hinsdale County Courthouse, 311 North Henson, Lake City, Colorado.

DATES: The meetings will be held on Thursday, October 10, 1996, and on

Thursday, November 14, 1996. Both meetings will begin at 9:00 a.m. and end at 4:30 p.m.

ADDRESSES: For additional information, contact Roger Alexander, Bureau of Land Management, Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401; Telephone 970–240–5300; TDD 970–240–5366.

SUPPLEMENTARY INFORMATION: The October 10, 1996, meeting is scheduled to begin at 9:00 a.m. in the BLM District Office Conference Room, 2465 South Townsend, Montrose, Colorado. The agenda will focus on recreational uses of public lands in southwestern Colorado and the use of prescribed natural fire. Time will be provided for public comments.

The Thursday, November 14, 1996, is scheduled to begin at 9:00 a.m. in the County Commissioner's Meeting Room in the Hinsdale County Courthouse, 311 North Henson, Lake City, Colorado. The agenda will focus on recreational uses of public lands in southwestern Colorado and the use of prescribed natural fire. Time will be provided for public comments.

All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council, or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the Montrose District Manager.

Summary minutes for Council meetings are maintained in the Montrose District Office and are available for public inspection and reproduction during regular business hours within thirty (30) days following each meeting.

Dated: September 20, 1996.

Mark W. Stiles,

District Manager.

[FR Doc. 96–24792 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–JB–P

[MT–924–1430–01; MTM 66519]

Order Providing for Opening of Public Lands; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order opens lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLPMA), to the operation of the public land laws. The land that was acquired in the exchange provides access to other public land with wildlife habitat, livestock operations, excellent big-game hunting opportunities, recreation use area, and is adjacent to the Buffalo Creek Wilderness Study Area. The exchange also allows for increased management efficiency of public land in the area. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: November 15, 1996.

FOR FURTHER INFORMATION CONTACT: Dick Thompson, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2829.

SUPPLEMENTARY INFORMATION:

1. The following described lands have been acquired by the United States pursuant to Section 206 of FLPMA:

Principal Meridian, Montana

T. 8 S., R. 48 E.,
Sec. 27, lot 8;
Sec. 28, lot 13, SW¼SE¼.
T. 9 S., R. 48 E.,
Sec. 9, SW¼NE¼.
T. 9 S., R. 49 E.,
Sec. 18, lot 1, NW¼SE¼.

Total acreage acquired: 220.88 acres.

2. At 9 a.m. on November 15, 1996, the lands described in paragraph 1 above that were conveyed to the United States will be opened only to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on November 15, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: September 18, 1996.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 96–24760 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–DN–P

[NV–930–1430–01; N–59733]

Amendment of Lahontan Resource Management Plan (RMP)/ Notice of Reatly Action, Recreation and Public Purposes Act Classification, Washoe County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice is hereby given that the Bureau of Land Management (BLM) has amended the Lahontan RMP to change the land tenure designation on 120 acres of public land in Washoe County from retention to disposal. Notice is further given that this 120 acres of public land has been examined and is determined to be suitable for classification and conveyance to Washoe County pursuant to the Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869 et seq.) for use as a bomb disposal and training facility.

SUMMARY: The following described public land is hereby classified as suitable for conveyance under the provisions of the Recreation and Public Purposes Act:

Mount Diablo Meridian

T. 23 N., R. 21 E.,
Sec. 8, SW¼SW¼,
Sec. 17, W½NW¼.

Upon publication of this notice in the Federal Register, the land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

PLANNING PROTESTS: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action as it affects issues submitted for the record during the planning process. The protests shall be in writing and filed with the Director (760) Bureau of Land Management, 1800 ''C'' Street NW., Washington, DC 20240 within 30 days of this notice.

DATE AND ADDRESSES: 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 conveyance or classification of the land to the Assistant District Manager, Non-Renewable Resources, Bureau of Land Management, 1535 Hot Springs Road, Carson City, Nevada 89706. Objections will be reviewed by the District Manager who may sustain, vacate, or modify this realty action.

CLASSIFICATION COMMENTS: 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: Comments on the application would include whether BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a bomb disposal and training facility.

SUPPLEMENTARY INFORMATION: In the absence of objections, the classification will become effective 60 days from the date of publication of this notice in the

Federal Register. The land will not be conveyed until after the classification becomes effective. Conveyance of the public land to Washoe County for a bomb disposal and training facility is consistent with the amended land use plan and would be in the public interest. Patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior, and the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior. Planning documents and other pertinent materials may be examined at the Carson City District Office between 7:30 a.m. and 5:00 p.m. Monday through Friday. Further details can be obtained by contacting Jo Ann Hufnagle, Realty Specialist, at (702) 885–6000.

Dated this 19th day of September, 1996.

James M. Phillips,

Assistant District Manager, Non-Renewable Resources, Carson City District.

[FR Doc. 96–24756 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–HC–P

[ID–957–1150–04]

Idaho: Filing of Plate of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. September 18, 1996.

The plat representing the dependent resurvey of portions of the south and west boundaries, and of the subdivisional lines, the subdivision of section 31, and the survey of lot 5 in section 31, T. 21 N., R. 23 E., Boise Meridian, Idaho, Group N. 953, was accepted, September 18, 1996.

This survey was executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706–2500.

Dated: September 18, 1996.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 96–24763 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–GG–M

[ID–957–1020–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m. on September 18, 1996.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of section 28, T. 8S., R. 42 E., Boise Meridian, Idaho, Group No. 956, was accepted, September 18, 1996.

This survey was executed to meet certain administrative needs of the Bureau of Land Management. All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706–2500.

Dated: September 18, 1996.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 96–24764 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–GG–M

[ID–993–1430–01; IDI–31965]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 96.59 acres of National Forest System land for protection of the Calf Creek Long-Term Soil Productivity Site. Publication of this notice in the Federal Register will close the land up to 20 years from entry under the United States mining laws. The land will remain open to surface entry and the mineral leasing laws.

DATES: Comments requests for a meeting should be sent on or before October 28, 1996.

ADDRESSES: Comments and meeting requests should be sent to the Idaho State Director, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 American Terrace, Boise, Idaho 83706–2500, 208–384–3166.

SUPPLEMENTARY INFORMATION: On September 16, 1996, the United States Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), subject to valid existing rights:

Boise Meridian

Beginning at the corner common to Secs. 7, 8, 17 and 18, T. 19 N., R. 2 W.; Thence S. 82° 59′ E., 2952 ft. (899.8m) to Corner No. 1; S. 01°30′ W., 353 ft. (107.6m) to Corner No. 2; S. 34° 38′ E., 630 ft (192.0m) to Corner No. 3; S. 17°11′ W., 515 ft. (1570.m) to Corner No. 4; S 09°52′ E., 588 ft. (179.2m) to Corner No. 5; S 55°46′E., 1437 ft. (438.0m) to Corner No. 6; S. 78°54′ E., 2021 ft. (616.0m) to Corner No. 7; N. 63°39′ E., 739 ft. (225.2m) to Corner No. 8; N. 32° 02′ W., 500 ft. (152.4m) to Corner No. 9; N. 86° 03′ W., 1678 ft. (511.5m) to Corner No. 10; N. 15°49′ W., 498 ft. (151.8m) to Corner No. 11; Northwesterly along Calf Creek 1290 ft. (393.2m), to a point on the centerline of Forest Service road No. 50438, thence continuing Northwesterly along said road 1530 ft. (466.3m) to the point of beginning.

The area described contains 96.59 acres in Adams County.

The purpose of the proposed withdrawal is to protect the Calf Creek Long-Term Soil Productivity Site.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Idaho State Director of the Bureau of Land Management at address shown above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the Federal Register and local newspaper in the general vicinity of the land to be withdrawn at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the Federal Register, the land will be segregated as specified above unless the application is denied or canceled or the

withdrawal is approved prior to this date.

The temporary segregation of the lands in connection with this withdrawal application shall not affect the administrative jurisdiction over the land, and segregation shall not have the effect of authorizing any use of the land by the Department of Agriculture.

Dated: September 18, 1996.

Jimmie Buxton,

Branch Chief for Lands and Minerals.

[FR Doc. 96–24765 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–GG–M

National Park Service

Visitor Services Plan/Environmental Impact Statement, Crater Lake National Park, Oregon

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement for the Visitor Services Plan for Crater Lake National Park.

SUMMARY: The National Park Service will prepare a Visitor Services Plan/Environmental Impact Statement (VSP/EIS) for Crater Lake National Park. The VSP/EIS will incorporate and supersede the Cleetwood Cove Development Concept Plan/Environmental Impact Statement that was initiated with a Notice of Intent this past July (cf. Federal Register, July 19, 1996, pp. 37765–37766). All letters previously received in response to the Notice of Intent for the Cleetwood Cove DCP/EIS will be analyzed for possible inclusion in the VSP/EIS. In the VSP/EIS and its accompanying public review process, the National Park Service will formulate and evaluate the environmental impacts of a range of alternatives for interpretation, resource protection, facility development, and commercial services at developed areas within the park, including Rim Village, Mazama Village, and Cleetwood. The analysis will include determining the appropriate level, type, and location of these services and facilities. The VSP/EIS will also guide the management of the park concessions operations for the duration of the next concession contract.

Persons who may be interested in or affected by the proposed VSP/EIS are invited to participate in the scoping process by responding to this notice with written comments. All comments received will become part of the public record and copies of comments, including any names, addresses and telephone numbers provided by respondents, may be released for public inspection. The scoping process will help define issues, concerns, and potential impacts to be addressed in the VSP/EIS. Public meetings to discuss, review and refine alternatives will be conducted in November 1996. The time and location of these meetings will be announced through the local media and the park's mailing list.

The draft plan and environmental impact statement are expected to be completed and available for public review by February 1997. The final plan, environmental impact statement, and Record of Decision are expected to be completed in September 1997.

Because the responsibility for approving the VSP/EIS has been delegated to the National Park Service, the EIS is a ''delegated'' EIS. The responsible official is Stanley T. Albright, Field Director, Pacific West Area, National Park Service.

DATES: Written comments about the scope of issues and impact topics to be analyzed in the VSP/EIS should be received by October 25, 1996.

ADDRESSES: Written comments concerning the VSP/EIS should be sent to the Superintendent, Crater Lake National Park, P.O. Box 7, Crater Lake, Oregon 97604.

FOR FURTHER INFORMATION CONTACT: Superintendent, Crater Lake National Park, at the above address or at telephone number (541) 594–2211 ext. 101.

Dated: September 23, 1996.

William C. Walters,

Deputy Field Director, Pacific West Area, National Park Service.

[FR Doc. 96–24821 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–70–M

Record of Decision; Final General Management Plan/Environmental Impact Statement; Hagerman Fossil Beds National Monument, Idaho

ACTION: Notice of approval of Record of Decision.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service, has prepared a Record of Decision on the Final General Management Plan/Environmental Impact Statement for Hagerman Fossil Beds National Monument in Twin Falls and Gooding Counties, Idaho. The National Park Service will implement the proposed action (Alternative 2) as described in the Final General Management Plan/Environmental Impact Statement.

DATES: The Record of Decision was recommended by the Superintendent of Hagerman Fossil Beds National Monument, concurred by the Deputy Field Director, Pacific West Area, and approved by the Field Director, Pacific West Area, on September 18, 1996.

ADDRESSES: Inquiries regarding the Record of Decision or the Environmental Impact Statement should be submitted to the Superintendent, Hagerman Fossil Beds National Monument, P.O. Box 570, Hagerman, Idaho 83332; telephone: (208) 837–4793.

SUPPLEMENTARY INFORMATION: The text of the Record of Decision follows:

Introduction

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and the regulations promulgated by the Council on Environmental Quality (40 CFR 1505.2), the Department of the Interior, National Park Service, has prepared this Record of Decision on the Final General Management Plan/Environmental Impact Statement for Hagerman Fossil Beds National Monument in Twin Falls and Gooding Counties, Idaho. The Record of Decision is a concise statement of the decisions made, other alternatives considered, the basis for the decision, the environmentally preferable alternative, the mitigating measures developed to avoid or minimize environmental harm, and public involvement in the decision making process.

The Decision (Selected Action)

The National Park Service will implement the proposed action (Alternative 2) as described in the Final General Management Plan/Environmental Impact Statement (GMP/EIS) issued in July 1996. The Draft GMP/EIS was issued in November 1995.

The selected action (Alternative 2) will provide a plan for comprehensively meeting the monument's legislative mandate to provide a center for paleontological research and education, including the construction of a fully functional research center and museum. The National Park Service will perform professional research, educational, and resource management functions as peers and partners with various persons, institutions, and organizations that will help staff, fund, equip, and implement those functions. An institute will need to be established to help facilitate monument research and educational programs. The research center and museum will be integrated so that

visitors will be able to interact with researchers and research projects. Support for educational programs will be a major monument function. In addition to paleontological resources, other monument resources, including the Oregon Trail, will receive the benefit of fully professional resource management, interpretation, and educational programs. An overlook at the Hagerman Horse Quarry, the Bluff and Emigrant Trails and a Rim-to-River Trail will be constructed, along with improvements to the existing Snake River and Oregon Trail overlooks.

Additional actions common to all alternatives in the Draft and Final GMP/EIS are included in the selected action, including: measures to ensure compliance with all applicable laws and policies; participation in regional planning and information/orientation efforts; housing employees outside the monument in the private sector; restricting visitors to designated roads and trails in most areas; prohibiting camping in the monument; and continuing hunting and fishing as legislatively mandated. Carrying capacity considerations will be addressed primarily by directing visitors to the research center and museum and then encouraging them to stay there or venture into other areas depending upon current visitation and resource conditions.

Statements of the monument's purpose, significance, management goals, desired future conditions, interpretive themes, and management zones are also part of the selected action. In addition, the selected action calls for a number of future action plans as described on pages 16–17 of the Draft GMP/EIS. To implement the plan, implementation teams and partnerships will be set up, and creative funding opportunities and potential cost savings will be fully evaluated and utilized where practicable.

Alternatives Considered

In addition to the selected action, two other alternatives were fully evaluated in the Draft and Final GMP/EIS: the No-Action Alternative, and a minimum requirements alternative (Alternative 1). The No-Action Alternative would have continued the present course of action with only minor changes from existing conditions, and would not have met the legislative mandate for the monument to provide for paleontological research and education. It would not have provided a research center and museum, and would have allowed only the most fundamental resource stewardship and interpretation activities. Resource management, interpretation and visitor protection activities would have been severely limited and there would have been little or no support for research or educational programs.

Alternative 1 would have met the minimum requirements of the legislative mandate by operating the research center and museum at a limited level, with research and museum functions separated so that research and researchers would generally not have been accessible to visitors. Research and education functions would have been almost entirely dependent on sources outside the National Park Service. A professional paleontological resource management program would have been provided, but programs for the monument's other resources would have been limited. The Snake River and Oregon Trail overlooks would have remained in the present condition, and the Bluff and Emigrant Trails would have been the only new construction in the monument.

Actions Considered but Rejected

In addition to the alternatives which were fully evaluated in the Draft and Final GMP/EIS, the following actions were identified as considered but rejected in the Draft GMP/EIS, with rationale for rejecting the actions detailed on page 50 of that document: public camping or other overnight use in the monument; transit service provided by the National Park Service (however, an action common to all alternatives left open the possibility of future private or public/private transportation services if needed and appropriate); a bridge or gondola across the Snake River to the monument; and improvements to the pump access road or otherwise increasing private vehicle access to the Snake River in the monument.

Environmentally Preferable Alternative

The selected action (Alternative 2) is considered to be the environmentally preferable alternative.

Measures To Minimize Environmental Harm

All practicable measures to avoid or minimize environmental impacts that could result from implementation of the selected plan have been identified and incorporated into the selected action. These include, but are not limited to: restricting visitors to designated roads and trails in most areas; revegetation of disturbed sites with native plants; restoration or maintenance of natural processes to the extent practicable; baseline studies of plants and animals; consultation and compliance regarding cultural resources; monitoring programs for resource and visitor impacts and carrying capacities; and emphasis on resource protection in interpretation and educational programs.

Because the general management plan is mostly conceptual in scope, site-specific surveys, consultation, and compliance with all applicable laws, regulations, and policies, including mitigation if necessary, will be carried out before any development begins.

Public Involvement

Scoping and consultation are detailed in the Draft GMP/EIS on pages 133–135 and 142–154, and in the Final GMP/EIS on pages 106–107. Public scoping began in 1990, and was reinitiated in 1993 after publication of a notice of intent to prepare an environmental impact statement. A separate planning effort to select a site for a research center and museum for the monument resulted in a draft environmental assessment in 1993 and a finding of no significant impact and selection of the proposed site in 1995, as detailed on pages 15 and 133 of the Draft GMP/EIS.

A public review period associated with a scoping newsletter occurred in 1993, and another public review period including public meetings occurred in 1994 to consider draft statements of monument purpose, management goals, and management options. Consultation was also completed with the U.S. Fish and Wildlife Service, the Advisory Council on Historic Preservation, the Idaho State Historic Preservation Office, and Native American tribes.

More than 1,000 copies of the Draft GMP/EIS were distributed between November 1995 and March 1996. Written comments were accepted for 113 days. A total of 60 people participated in public meetings in Hagerman, Twin Falls, and Boise, Idaho to discuss the draft document and a total of 63 comment letters were received. Because of the nature of the comments received on the Draft GMP/EIS, the Final GMP/EIS was prepared in a shortened format in accordance with 40 CFR 1503.4. The Final GMP/EIS, distributed in July 1996, responded to comments and included copies of the comment letters, clarifying changes to the text of the draft document, and factual corrections. The changes in the final plan (a) clarified important points regarding hunting, road and trail access, and other issues, and (b) deleted services or facilities from the proposed action that could be accomplished through partnerships or by the private sector and therefore would not require federal funds, further reducing costs. The responses to comments also

addressed quality of life and other concerns.

The Basis for the Decision

After carefully evaluating public comments throughout the planning process, including comments on the Draft and Final GMP/EIS, the selected action best accomplishes the monument's legislated purpose to provide a center for continuing paleontological research and education. It balances the statutory mission of the National Park Service to provide long-term protection of monument resources and significance while allowing for appropriate levels of visitor use and appropriate means of visitor enjoyment. The selected action also best accomplishes identified management goals and desired future conditions, with the fewest environmental impacts.

Support for the selected action and monument purpose has been generally widespread and strong, as described in the Final GMP/EIS. No comments or protests were received on the final plan and environmental impact statement during the 30-day no-action period that the document was available to the public.

Conclusion: The above factors and considerations warrant selecting Alternative 2, identified as the proposed action in the draft document (and as modified in the Final GMP/EIS), as the general management plan for Hagerman Fossil Beds National Monument. The selected action will be implemented as described, and a final document including only the selected action will be printed and made available to aid in implementing the plan.

Dated: September 23, 1996.

William C. Walters,

Deputy Field Director, Pacific West Area.

[FR Doc. 96–24822 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–752 (Preliminary)]

Crawfish Tail Meat From 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–752 (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 China of crawfish tail meat, whether fresh or frozen, provided for in subheadings 0306.19.00 and 0306.29.00 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 November 4, 1996. The Commission's views are due at the Department of Commerce within five business days thereafter, or by November 12, 1996.

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), as amended in 61 FR 37818 (July 22, 1996).

EFFECTIVE DATE: September 20, 1996.

FOR FURTHER INFORMATION CONTACT: Brad Hudgens (202–205–3189), 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 or ftp://ftp.usitc.gov).

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on September 20, 1996, by the Louisiana Crawfish Coalition, Breaux Bridge, LA, and Commissioner Bob Odom, Louisiana Department of Agriculture & Forestry, Baton Rouge, LA.

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(a)) 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 October 11, 1996, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Brad Hudgens (202–205–3189) not later than October 8, 1996, 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 October 17, 1996, 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.

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: September 23, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–24819 Filed 9–26–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 C.F.R. 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that on September 17, 1996, a proposed Consent Decree in *United States* v. *ABB Vetco Gray, Inc., et al.,* Civil Action No. *96–6518 KMW,* was lodged with the United States District Court for the Central District of California. That action was brought against defendants pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9606, 9607, and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973, for cleanup of, and payment of certain costs to be incurred by the United States at the Casmalia Resources Hazardous Waste Management Facility in Casmalia (Santa Barbara County), California.

Under the consent decree, the settlors will perform the first phase of cleanup at the Site and pay certain costs to be incurred by the United States concerning this work. Subject to available funds, they will also perform an additional phase of Site cleanup. In exchange for these commitments, the settlors will receive partial covenants not to sue for the facility under common law and sections 106 and 107 of CERCLA and Section 7003 of RCRA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *ABB Vetco Gray, Inc., et al.,* D.J. Ref. 90–7–1–611A. [Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA.]

The proposed Consent Decree may be examined a the Office of the United States Attorney, Central District of California, 300 N. Los Angeles Street, Los Angeles, CA 90012, and at Region IX, Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of $69.25 for the entire decree, with signature pages and appendices payable to the Consent Decree Library (25 cents per page reproduction cost). (You may also pay $35.25 for the decree without signature pages or Appendices, and/or $14.00 for the signature pages, and/or $20.00 for the appendices.)

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–24837 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree in *United States* v. *American Recovery Company, et al.,* Civil Action No. 95–1590, was lodged on *September 17, 1996* with the United States District Court for the Western District of Pennsylvania. The Consent Decree requires defendants USX Corporation, American Recovery Company, and Carnegie Natural Gas Company to pay $245,000 to reimburse a portion of the United States' past costs associated with the investigation and clean up of the Municipal & Industrial Disposal Company Superfund Site (''Site''), located in Elizabeth Township, Pennsylvania.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *American Recovery Company, et al.,* DOJ Ref. #90–11–2–949.

The proposed consent decree may be examined at the office of the United States Attorney, 633 Post Office & Courthouse, 7th & Grant Streets, Pittsburgh, PA 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $4.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–24767 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, notice is hereby given that a proposed consent decree in *United States* v. *Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang,* Civil Action No. 1:94CV57, was lodged on August 7, 1996 with the United States District Court for the Eastern District of Texas, Beaumont Division. Donald R. Lang was the owner and/or operator at the time of disposal of hazardous substances of the Turtle Bayou Superfund Site (also known as the Petro-Chemical Systems, Inc. Site) (''Site''), located in Liberty County, Texas, approximately fifteen miles southeast of the City of Liberty and

approximately sixty-five miles northeast of Houston, Texas. The Environmental Protection Agency (''EPA'') and the Department of Justice incurred and continues to incur costs for response actions at and in connection with the Site. The proposed Consent Decree provides that based upon a limited ability to pay, the Defendant will pay $250,000 to the United States of the past costs incurred and paid by EPA and the Department of Justice through January 31, 1990. The proposed Consent Decree also provides that the United States covenants not to sue defendant Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang under Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

The Department of Justice will provide a RCRA public meeting in the affected area if requested and will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments and/or a request for a RCRA public meeting should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Sadeane Lang, Independent Executrix of the Estate of Donald R. Lang,* DOJ Ref. #90–11–3–709.

The proposed consent degree may be examined at the Office of the United States Attorney, 350 Magnolia Avenue, Suite 150, Beaumont, Texas 77701; the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $6.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 96–24838 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

[AAG/A Order No. 121–96]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Justice Management Division is establishing a system of records entitled ''Department of Justice Call Detail Records, Justice/JMD–012.''

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the routine uses of a new system. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to review the proposed system. Therefore, please submit any comments by October 28, 1996. The public, OMB, and the Congress are invited to submit comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report on this system to OMB and the Congress.

The system description is printed below.

Dated: August 28, 1996.

Stephen R. Colgate,

Assistant Attorney General for Administration.

Justice/JMD–012

SYSTEM NAME:

Department of Justice (DOJ) Call Detail Records, Justice/JMD–012.

SYSTEM LOCATION:

Telecommunications Services Staff, Justice Management Division, Department of Justice, Washington, D.C., 20530. (Most of the records are electronic, and the scope of such electronic records includes calls made to or from DOJ telephones serviced by the Washington Area Switch Program.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals originating calls from DOJ telephones and individuals receiving such calls; individuals placing calls to and/or charging calls to, DOJ telephones; and individuals receiving such calls, and/or accepting any charges therefor. The primary record subjects are former and current DOJ employees, as well as individuals employed under any employment arrangement such as a contract or cooperative agreement; grantees; or other persons performing a service on behalf of DOJ. Incidental to the coverage of the primary record subjects are non-employees who may be identified by telephone number during an inquiry or investigation relating to a potential improper or unofficial use of Government telephones or other illegal or improper activity by the primary record subject.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records relate to telephone calls placed to and from DOJ telephones.

Records may include such information as the number called from, the number called, time and date of call, duration, disposition and cost of the call and/or charges accepted, origination and destination of the call, and the DOJ component to which the relevant telephone numbers are assigned. Call activity, e.g., ''no answer'' may also be recorded. In addition, the system may include copies of related records, e.g., any periodic summaries which may have been compiled to reflect the total number of long distance calls made.

The database(s) from which telephone numbers are retrieved will not contain names or similar personal identifiers such as the social security number. However, because of the evolution of the technology which permits the electronic recording of the origination and destination of telephone calls, a name may be associated with the telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system of records is maintained pursuant to 44 U.S.C. 3101, which authorizes agencies to create and preserve records documenting agency organizations, functions, procedures, and transactions; 31 U.S.C. 1348(b) which authorizes the use of appropriated funds to pay for long distance calls only if required for official business or necessary in the interests of the Government; and 41 CFR Subpart 201–21.6 (FIRMR) and Section 128–1.5006–4 (JPMR) which authorizes certain uses of Government telephone systems.

PURPOSE(S):

Information in this system of records is used by DOJ managers and employees to plan and manage telephone services in an efficient and economical manner and to otherwise perform their official duties. Such use may include access by auditors and investigators such as that authorized by the Inspector General Act of 1978. DOJ managers may use the records in this system to assign responsibility for long distance telephone calls; to certify that long distance telephone calls made by DOJ employees were made to conduct Government business or were otherwise authorized; to initiate action to recover the cost of improper and/or unofficial long distance calls; where appropriate, to initiate disciplinary or other such action; and/or where the record(s) may appear to indicate a violation or potential violation of law, refer such

record(s) to the appropriate investigative arm of DOJ, or other law enforcement agency for investigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

The Department does not normally disclose recoards from this system of records. However, in the event it is appropriate, disclosure of relevant information may be made in accordance with the disclosure provisions cited below.

1. To members of Congress or staff to respond to inquiries made on behalf of individual constituents that are record subjects.

2. To representatives of the General Services Administration and/or the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

3. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

4. To respond to a Federal agency's request made in connection with: The hiring or retention of an employee; the issuance of a security clearance; the conduct of a security or suitability investigation or pursuit of other appropriate personnel matter; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a grant, license, or other benefit to an employee by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

5. To a telecommunications company or other provider of services to permit servicing of the account or communications equipment; or otherwise to such contractors, grantees, or volunteers as are performing a service or working under a related contract, grant, cooperative agreement, or other employment arrangement.

6. To provide call detail or call detail related information to individuals covered by the system or to any person(s) who may assist in identifying and determining their own or other individual's responsibility for telephone calls.

7. In response to a request for discovery or for the appearance of a witness, to the extent that what is disclosed is relevant and necessary to the subject matter involved in a pending judicial or administrative proceeding.

8. To an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings.

9. In the event that material in this system of records appears to indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by regulation, rule, or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility therefor.

10. In a proceeding before a court or adjudicative body before which the DOJ (including any component of DOJ) is authorized to appear, when any of the following is a party to litigation or has an interest in litigation and such records are determined by the DOJ to be arguably relevant to the litigation: The DOJ; any employee of the DOJ in his or her official capacity; or any employee of the DOJ in his or her individual capacity where the DOJ has agreed to represent the employee; or, the United States, where the DOJ determines that the litigation is likely to affect it or any of its subdivisions.

11. In producing summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related workforce studies. While published studies do not contain individual identifiers such as a name and social security number, in some instances the selection of certain data elements included in the study may make it possible for one to identify the individual by inference.

12. To an official of another Federal agency, the information he or she needs to know in the performance of his or her official duties in performing data analyses or otherwise reconciling or reconstructing data files in support of the functions for which the records were collected and are maintained.

13. To the current employer to effect salary or administrative offsets to satisfy an indebtedness incurred for unofficial telephone calls; to Federal agencies to identify and locate former employees for the purpose of collecting such indebtedness, including collection through administrative or salary offsets, or tax refund offsets. Identifying and locating former employees, and the subsequent referral to such agencies for offset purposes, may be accomplished through authorized computer matching programs. Disclosures will be made only when all procedural steps established by the Debt Collection Act of 1982 and/or the Computer Matching and Privacy Protection Act of 1988, as appropriate, have been taken.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic form and on paper.

RETRIEVABILITY:

Records are retrieved by billing account code and by originating and destination telephone number.

SAFEGUARDS:

Access is limited to those who have a need to know. Specifically, only telecommunications managers and operations support and maintenance personnel (including those employed for such purposes under interagency agreements or other employment arrangements) have access to automated records and magnetic storage media. These records are kept in a locked room with controlled entry. The use of password protection identification features and other automated data processing system protection methods restrict access.

Similarly, appropriate security measures are taken to protect authorized access to the paper records. Only DOJ component heads and their designated representatives; managers; and, as necessary and appropriate, the employees assigned the respective telephone numbers; and telecommunications managers (including those employed under interagency or other employment arrangements) may have access. Records will be transmitted with a protective cover which will include instructions regarding the security precautions which must be taken during the handling and disposition thereof.

All records, both paper and automated, are located in buildings with restricted access.

RETENTION AND DISPOSAL:

Destroyed after three years, or after audit by the General Accounting Office, which is sooner.

SYSTEM MANAGERS AND ADDRESS:

Director, Telecommunications Services Staff, Justice Management Division, Department of Justice, 600 E. Street, NW., Room 3036, Washington, DC. 20530.

NOTIFICATION PROCEDURE:

To determine whether the system may contain records relating to you, write to the System Manager identified above.

RECORDS ACCESS PROCEDURE:

Same as ''Notification Procedure'' above. Provide name, assigned telephone number, and a description of information being sought, including the time frame during which the record(s) may have been generated. Provide verification of identity as instructed in 28 CFR, § 16.41(d).

CONTESTING RECORD PROCEDURE:

See ''Notification Procedure'' and ''Record Access Procedure'' above. Identify the information being contested, the reason for contesting it, and the correction requested.

RECORD SOURCE CATEGORIES:

Most records are generated internally, i.e., telephone assignment records; billing statements; call detail listings; individuals covered by the system; and management officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 96–24836 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

United States v. Jacor Communications, Inc. et al.; Proposed Modified Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Modified Final Judgment has been filed with the United States District Court for the Southern District of Ohio in *United States of America* v. *Jacor Communications, Inc. et al.*, Civil Action C–1–96–757. The Complaint in this case alleged that the proposed acquisition of Citicasters, Inc. by Jacor Communications, Inc. would tend to lessen competition substantially in the sale of radio advertising in Cincinnati, Ohio and the surrounding areas in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The Modified Final Judgment is substantially similar to the proposed Final Judgment filed on August 5, 1996. The modifications ensure that Jacor will provide prior notice to the Department of Justice before it acquires any interest, including any financial, security, loan, equity or management interest, in any non-Jacor radio station in the Cincinnati area.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Comments should be directed to Donald J. Russell, Chief, Telecommunications Task Force, Antitrust Division, Department of Justice, 555 4th Street, N.W., Room 8104, Washington, D.C. 20001.

Constance K. Robinson,

Director of Operations.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

A. The parties to this Stipulation agree to modify Section IX of the proposed Final Judgment filed with the Court on August 5, 1996, as shown in the attached Modified Final Judgment. The parties agree that the proposed Modified Final Judgment, filed with this Stipulation, shall supersede the original proposed Final Judgment. The parties further agree that in all other respects, the provisions of the Stipulation filed with the Court on August 5, 1996 shall remain in effect.

B. The parties consent that the Modified Final Judgment in the form attached may be filed and entered by the Court, upon any party's or the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice on the defendants and by filing that notice with the Court.

C. The parties shall abide by and comply with the provisions of the proposed Modified Final Judgment pending entry of the Modified Final Judgment, and shall, from the date of the filing of this Stipulation, comply with all the terms and provisions of the proposed Modified Final Judgment as though the same were in full force and effect as an order of the Court.

D. In the event plaintiff withdraws its consent, as provided in paragraph (A) above, or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

E. All parties agree that this agreement can be signed in multiple counter-parts.

Dated: September 12, 1996.

For the Plaintiff:

Nancy M. Goodman,

Assistant Chief, Telecommunications Task Force.

Andrew S. Cowan,

Attorney, Telecommunications Task Force, U.S. Department of Justice, Antitrust Division, 555 4th Street N.W., Room 8104, Washington, DC 20001, (202) 514–5621.

For the Defendant:

Thomas B. Leary,

Counsel for Jacor Communications, Inc.

Tom D. Smith,

Counsel for Citicasters, Inc.

Modified Final Judgment

Whereas, plaintiff, the United States of America having filed its Complaint herein on August 5, 1996, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is prompt and certain divestiture of certain assets to assure that competition is not substantially lessened;

And whereas, plaintiff requires Jacor to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to plaintiff that the divestitures ordered herein can be made and that Jacor will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered, adjudged, and decreed as follows:

I. Jurisdiction

This Court has jurisdiction over each of the parties hereto and the subject matter of this action. The Complaint states a claim upon which relief may be granted against the defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Jacor'' means defendant Jacor Communications, Inc., an Ohio corporation with its headquarters in

Cincinnati, Ohio and includes its successors and assigns, its subsidiaries, and directors, officers, managers, agents, and employees acting for or on behalf of Jacor.

B. ''Citicasters'' means defendant Citicasters Inc., a Florida corporation with its headquarters in Cincinnati, Ohio, and includes its successors and assigns, its subsidiaries, and directors, officers, managers, agents, and employees acting for or on behalf of Citicasters.

C. ''WKRQ Assets'' means all of the assets, tangible or intangible, used in the operation of the WKRQ–FM radio station (''WKRQ'') in Cincinnati, Ohio, including but not limited to: all real property (owned or leased) used in the operation of WKRQ; all broadcast equipment, personal property, inventory, office furniture, fixed assets and fixtures, materials, supplies and other tangible property used in the operation of WKRQ; all licenses, permits and authorizations and applications therefore issued by the Federal Communications Commission (''FCC'') and other governmental agencies relating to WKRQ; all contracts, agreements, leases and commitments of Citicasters pertaining to WKRQ and its operations; all trademarks, service marks, trade names, copyrights, patents, slogans, programming materials and promotional materials relating to WKRQ; and all logs and other records maintained by Citicasters or WKRQ in connection with the station's business. For all assets used jointly by WKRQ and WWNK–FM or WKRC–TV prior to the divestiture required by this Final Judgment, Jacor shall propose to plaintiff, within 7 days of the consummation of the Jacor/Citicasters Transaction, a plan for dividing such assets among these stations. Upon approval of the plan by plaintiff, the term ''WKRQ Assets'' shall include only those assets allocated under the plan to WKRQ.

D. ''Jacor Cincinnati Radio Station'' means each broadcast radio station that is licensed to a community in the Cincinnati Area, and that Jacor owns, operates, manages, or has an interest in, or for which Jacor sells more than 20 percent of its advertising time.

E. ''Non-Jacor Radio Station'' means any radio broadcast station licensed to a community in the Cincinnati Area that is not a Jacor Cincinnati Radio Station.

F. ''Cincinnati Area'' means the Cincinnati, Ohio DMA as identified by The Arbitron Radio Market Report for Cincinnati (Winter 1996).

G. ''Jacor/Citicasters Transaction'' means the proposed acquisition of Citicasters by Jacor contemplated by the Agreement and Plan of Merger, dated as of February 12, 1996.

III. Applicability

The provisions of this Final Judgment apply to each of the defendants, its successors and assigns, it subsidiaries, directors, officers, managers, agents, and employees, and all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Divestiture of WKRQ

a. Jacor is hereby ordered and directed, in accordance with the terms of this Final Judgment, within six (6) months of August 5, 1996, to divest the WKRQ Assets to a purchaser acceptable to plaintiff. Unless plaintiff otherwise consents in writing, the divestiture pursuant to Section IV of this Final Judgment or by the trustee appointed pursuant to Section V shall be accomplished in such a way as to satisfy plaintiff, in its sole discretion, that the WKRQ Assets can and will be used by the purchaser as a viable, ongoing business. The divestiture, whether pursuant to Sections IV of V of this Final Judgment, shall be made (i) To a purchaser that, in the plaintiff's sole judgment, has the capability and intent of competing effectively, and has the managerial, operational, and financial capability to compete effectively as a radio station in the Cincinnati Area; and (ii) pursuant to an agreement, the terms of which shall not interfere with the ability of the purchaser to compete effectively.

B. Defendants agree to use their best efforts to accomplish the divestiture as expeditiously and timely as possible. Plaintiff, in its sole discretion, may extend the time period for the divestiture for two additional periods of time not to exceed sixty (60) calendar days in toto.

C. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the WKRQ Assets. Defendants shall inform any person making a bona fide inquiry regarding a possible purchase that the sale is being made pursuant to this Final Judgment and provide such person with a copy of this Final Judgment. Defendants shall make known to any person making an inquiry regarding a possible purchase of the WKRQ Assets that the assets described in Section II (C) are being offered for sale. Defendants shall also offer to furnish to all bona fide prospective purchasers, subject to customary confidentiality assurances, all information regarding the WKRQ Assets customarily provided in a due diligence process except such information subject to attorney-client privilege or attorney work-product privilege. Defendants shall make available such information to plaintiff at the same time that such information is make available to any other person.

D. Defendants shall permit bona fide prospective purchasers of the WKRQ Assets to have access to personnel and to make such inspection of the assets, and any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

V. Appointment of Trustee

A. In the event that Jacor has not divested the WKRQ Assets within six months of August 5, 1996, or within any extension granted under Section IV, the Court shall appoint, on application of the plaintiff and consistent with the rules of the FCC, a trustee selected by the plaintiff to effect the divestiture of the assets.

B. After the trustee's appointment has become effective, only the trustee shall have the right to sell the WKRQ Assets. The trustee shall have the power and authority to accomplish the divestiture at the best price then obtainable upon a reasonable effort by the trustee, subject to the provisions of Section V and VI of this Final Judgment, and shall have other powers as the Court shall deem appropriate. Subject to Section V(C) of this Final Judgment, the trustee shall have the power and authority to hire at the cost and expense of defendants any investment bankers, attorneys, or other agents reasonably necessary in the judgment of the trustee to assist in the divestiture, and such professionals or agents shall be solely accountable to the trustee. The trustee shall have the power and authority to accomplish the divestiture at the earliest possible time to a purchaser acceptable to plaintiff, and shall have such other powers as this Court shall deem appropriate. Defendants shall not object to the sale of the WKRQ Assets by the trustee on any grounds other than the trustee's malfeasance. Any such objection by defendants must be conveyed in writing to plaintiff and the trustee no later than fifteen (15) calendar days after the trustee has provided the notice required under Section VI of this Final Judgment.

C. The trustee shall serve at the cost and expense of defendants, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from the sale of the asserts sold by the trustee and all costs and expenses so incurred. After

approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining monies shall be paid to defendants and the trustee's services shall then be terminated. The compensation of such trustee and of any professionals and agents retained by the trustee shall be reasonable in light of the value of the divestiture and based on a fee arrangement providing the trustee with an incentive base on the price and terms of the divestiture and the speed with which is its accomplished.

D. Defendants shall take no action to interfere with or impede the trustee's accomplishment of the divestiture of the WKRQ Assets and shall use their best efforts to assist the trustee in accomplishing the required divestiture, including best efforts to effect all necessary regulatory approvals. Subject to a customary confidentiality agreement, the trustee shall have full and complete access to the personnel, books, records, and facilities related to the WKRQ Assets, and defendants shall develop such financial or other information as may be necessary to the divestiture of the WKRQ Assets. Defendants shall permit prospective purchasers of the WKRQ Assets to have access to personnel and to make such inspection of physical facilities and any and all financial, operational, or other documents and information as may be relevant to the divestiture required by this Final Judgment.

E. After its appointment becomes effective, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestiture of the WKRQ Assets as contemplated under this Final Judgment; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the WKRQ Assets, and shall described in detail each contact with any such person during that period. The trustee shall maintain full records of all efforts made to divest these operations.

F. Within six (6) months after its appointment has become effective, if the trustee has not accomplished the divestiture required by section IV of this Final Judgment, the trustee shall promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the court. The trustee shall at the same time furnish such reports to the parties, who shall each have the right to be heard and to make additional recommendations. The Court shall thereafter enter such orders as it shall deem appropriate, which shall, if necessary, include extending the term of the trustee's appointment.

VI. Notification

Within two (2) business days following execution of a definitive agreement, to effect, in whole or in part, any proposed divestiture pursuant to section IV or V of this Final Judgment, Jacor or the trustee, whichever is then responsible for effecting the divestiture, shall notify plaintiff of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the assets that are the subject of the binding contract, together with full details of same. Within fifteen (15) calendar days of receipt by plaintiff of such notice, plaintiff may request from defendants, the proposed purchaser or purchasers, any other third party, or the trustee if applicable additional information concerning the proposed divestiture and the proposed purchaser or purchasers. Defendants and the trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after plaintiff has been provided the additional information requested from defendants, the proposed purchaser or purchasers, any third party, and the trustee, whichever is later, plaintiff shall provide written notice to defendants and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If plaintiff provides written notice to defendants and the trustee that it does not object, then the divestiture may be consummated, subject only to defendants' limited right to object to the sale under section V(B) of this Final Judgment. Absent written notice that plaintiff does not object to the proposed purchaser or upon objection by plaintiff, a divestiture proposed under section IV shall not be consummated. Upon objection by plaintiff, or by defendants under the proviso in section V(B), a divestiture proposed under section V shall not be consummated unless approved by the Court.

VII. Affidavits

A. Within twenty (20) calendar days of August 5, 1996 and every thirty (30) calendar days thereafter until the divestiture has been completed whether pursuant to section IV or V of this Final Judgment, Jacor shall deliver to plaintiff and affidavit as to the fact and manner of defendants' compliance with section IV or V of this Final Judgment. Each such affidavit shall include, inter alia, the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed and interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the WKRQ Assets, and shall describe in detail each contact with any such person during that period.

B. Within twenty (20) calendar days of August 5, 1996, defendants shall deliver to plaintiff and affidavit which describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an on-going basis to preserve the WKRQ Assets pursuant to section VIII of this Final Judgment. The affidavit also shall describe, but not be limited to, defendants' efforts to maintain and operate WKRQ as an active competitor, maintain the management, sales, marketing and pricing of WKRQ apart from that of the other Jacor Cincinnati Radio Stations, maintain and increase sales of advertising time at WKRQ, and maintain the WKRQ Assets in operable condition, continuing normal maintenance. Defendants shall deliver to plaintiff an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits(s) filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall preserve all records of all efforts made to preserve and divest the WKRQ Assets.

VIII. Preservation of Assets Hold Separate

Until the divestiture required by the Final Judgment has been accomplished.

A. Defendants shall preserve, hold, and continue to operate the business of

WKRQ as an independent, ongoing, economically viable business, with its assets, management, and operations separate, distinct, and apart from the other Jacor Cincinnati Radio Stations. Defendants shall maintain the business of WKRQ as a viable and active competitor to the other Cincinnati radio stations, including the Jacor Cincinnati Radio Stations.

B. Defendants shall not coordinate the marketing, promotion, merchandising or terms of sale of advertising time on WKRQ with other current or hereafter acquired Jacor Cincinnati Radio Stations. There shall be no communications between personnel at WKRQ and those at other Jacor Cincinnati Radio Stations relating to any confidential business information, including any marketing, sales, pacing or rate information relating to the sale of advertising time on radio stations in the Cincinnati Area.

C. Defendants shall use all reasonable efforts to maintain and increase sales of advertising time on WKRQ. In particular, defendants shall, consistent with market conditions, provide promotional, marketing and merchandising support for the sale of advertising time on WKRQ, including maintaining or increasing expenditures designed to promote WKRQ.

D. Defendants shall ensure that WKRQ has separate management, programming, sales personnel and other employees from the other Jacor Cincinnati Radio Stations, and ensure that the management, programming, sales personnel and employees of other Jacor Cincinnati Radio Stations, or anyone acting at their direction, do not influence or attempt to influence, directly or indirectly, and operational, programming, marketing or financial decisions of WKRQ, and vice versa.

E. Except in the ordinary course of business or as part of the disposition of the WKRQ Assets under this Final Judgment, defendants shall not, without the prior consent of plaintiff, sell, lease, assign, transfer, or otherwise dispose of, or pledge for collateral for loans (except such loans and credit facilities as are currently outstanding or replacements or substitutes therefor), the WKRQ Assets, including but not limited to the real estate, facilities, and equipment, all tangible and intangible assets used in connection with WKRQ's format, and all administrative, marketing, sales and support facilities, related to the sale of advertising time on WKRQ.

F. Defendants shall provide and maintain sufficient working capital, consistent with past practice, to maintain the WKRQ Assets as a viable, ongoing business.

G. Defendants shall provide and maintain sufficient lines and sources of credit, consistent with past practice, to maintain the general business operations of WKRQ as a viable, ongoing business.

H. Consistent with the stations' existing practices, defendants shall maintain, in accordance with sound accounting practices, separate, true and complete financial ledgers, books and records reporting the profits and losses of WKRQ on a monthly and quarterly basis.

I. Defendants shall refrain from taking any action designed to reduce the scope or level of competition between the general business operations of WKRQ and other Cincinnati radio stations, including current or hereafter acquired Jacor Cincinnati Radio Stations, or in the sale of advertising time on radio stations in the Cincinnati Area, without the prior consent of plaintiff.

J. Defendants shall refrain from taking any action designed to jeopardize its ability to divest the WKRQ Assets as a viable, ongoing business.

K. Defendants shall give five business days' prior notice to plaintiff of its decision to terminate any WKRQ management staff, on-air personality or sales employee.

L. Jacor shall not hire or contract to purchase services from any WKRQ employee including management, sales or production staff or on-air personality.

M. Defendants shall give five business days' notice to plaintiff prior to either (1) changing WKRQ's format from Contemporary Hits Radio, or (2) Jacor changing the format of any current or hereafter acquired Jacor Cincinnati Radio Station to an Adult Hits, Top 40, Soft Hits, Adult Contemporary, or to a similar format.

N. Defendants shall appoint a person or persons to oversee the WKRQ Assets, and who will be responsible for defendants' compliance with Section VIII of this Final Judgment.

IX. Notice

A. Unless such transaction is otherwise subject to the reporting and waiting period requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, 15 U.S.C. 18a (the ''HSR Act''), Jacor, without providing advance notification to the United States Department of Justice, shall not directly or indirectly:

(1) Acquire any assets of or any interest, including any financial, security, loan, equity or management interest, in any Non-Jacor Radio Station or any person affiliated with any such Station; provided, however, that Jacor need not provide notice under this provision for any direct or indirect acquisition of equity of a Non-Jacor Radio Station that would result in Jacor's holding no more than five percent of the total equity of the station; and provided further that assets for purpose of this Section IX(A) means (i) substantially all the assets of a Non-Jacor Radio Station, or (ii) any trademarks, trade names, service marks, service names, copyrights, or call letters, or programming the purchase of which is accompanied by a non-compete covenant, whether or not the acquired assets constitute substantially all the assets of a Non-Jacor Radio Station; or

(2) Enter into any agreement or understanding that would allow Jacor to market or sell advertising time for any Non-Jacor Radio Station; provided, however, that Jacor need not provide notice under this provision for any such agreement or understanding (i) that is consideration for the sale by Jacor of proprietary news, weather or traffic programming to any such Non-Jacor Radio Station and would permit Jacor to sell no more than 5 percent of that stations; advertising time for any day and no more than 20 percent of that station's advertising time for any hour segment, or (ii) that is consideration for Jacor's granting to such station rebroadcast rights for a sports event to which Jacor has exclusive broadcast rights, and would permit Jacor to sell no more than 15 percent of such station's advertising time for any day.

Notification shall be provided to the United States Department of Justice in the same format as, and per the instructions relating to the Notification and Report Form set forth in the Appendix to Part 803 of Title 16 of the Code of Federal Regulations as amended, except that the information requested in Items 5–9 of the instructions must be provided only with respect to Jacor Cincinnati Radio Stations. Notification shall be provided at least thirty (30) days prior to acquiring any such interest covered in (1) or (2) above, and shall include, beyond what may be required by the applicable instructions, the names of the principal representatives of the parties to the agreement who negotiated the agreement, and any management or strategic plans discussing the proposed transaction. If within the 30-day period after notification, representatives of the Department make a written request for addition information, Jacor shall not consummate the proposed transaction or agreement until twenty (20) days after submitting all such additional information. Early termination of the waiting periods in this paragraph may

be requested and, where appropriate, granted in the same manner as is applicable under the requirements and provisions of the HSR Act and rules promulgated thereunder.

B. Jacor shall submit to the Department within ten (10) business days following the end of each of Jacor's fiscal quarters a list of each acquisition made by Jacor in that just-ended quarter of any assets of a Non-Jacor Radio Station that was not subject to the reporting and waiting period requirements of the HSR Act or to the notice and waiting period requirements of Section IX(A); provided, however, that the acquisition of physical assets valued at less than $25,000 need not be included in the list. The list shall include the identity of the parties to the transaction, the date of the transaction and a description of the assets acquired.

C. This Section shall be broadly construed and any ambiguity or uncertainty regarding the filing of notice under this Section shall be resolved in favor of filing notice.

X. Compliance Inspection

Only for the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the United States Department of Justice, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants made to their principal offices, shall be permitted:

(1) Access during office hours of defendants to inspect and copy of all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendants, who may the counsel present, relating to enforcement of this Final Judgment; and

(2) Subject to the reasonable convince of defendants and without restraint or interference from it, to interview officers, employees, and agents of defendants, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to defendants' principal offices, defendants shall submit such written reports, under oath if requested, with respect to enforcement of this Final Judgment.

C. No information or documents obtained by the means provided in this Section X shall be divulged by plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to plaintiff, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then ten (10) calendar days notice shall be given by plaintiff to defendants prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such farther orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XII. Termination

Unless this Court grants an extension, this Final Judgment will expire upon the tenth anniversary of the date of its entry, except that plaintiff, after five years from the date of this Final Judgment's entry, in its sole discretion, may notify Jacor and the Court that Jacor shall no longer be subject to Section IX.

XIII. Public Interest

Entry of this Final Judgment is in the public interest.

Dated _____

Herman J. Weber,

United States District Judge.

[FR Doc. 96–24770 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Microelectronics and Computer Technology Corporation

Notice is hereby given that, on August 30, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Microelectronics and Computer Technology Corporation (''MCC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the changes are as follows: Harris Corporation, Melbourne, FL; Pacific Sierra Research Corporation, Arlington, VA; and TradeWave Corporation, Austin, TX, have joined MCC as Associate Members. Geophysical & Environmental Research Corporation, Olin Corporation, and Teledyne Corporation have withdrawn their membership in the joint venture.

On December 21, 1984, MCC filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to § 6(b) of the Act on January 17, 1985 (50 FR 2633).

The last notification was filed on July 27, 1996. The Department of Justice published a notice in the Federal Register on August 14, 1996 (61 FR 42268).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–24768 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Microelectronics and Computer Technology Corporation

Notice is hereby given that, on January 22, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Microelectronics and Computer Technology Corporation (''MCC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the changes are as follows: Nokia Corporation, Helsinki, Finland; Northern Telecom Limited, Ottawa, Canada; Hewlett-Packard, Palo Alto, CA; Hughes Aircraft Company, Arlington, TX; and Motorola, Schaumberg, IL have agreed to participate in MCC's Low Cost Portables Program. Nokia Corporation has agreed to participate in the Packaging/Interconnect Integration

Program. Ceridian Corporation, Minneapolis, MN has agreed to participate in MCC's Workstations and Multiprocessors Program, InfoSlueth Project, High Reliability Mobile Electronics Project and the ADA Fault Tolerance Project. The Hughes Aircraft Company has agreed to participate in the High Reliability Mobile electronics Project. The Harris Corporation and Westinghouse Electric Corporation have tendered their shares of MCC and are no longer MCC shareholders.

On December 21, 1984, MCC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on January 17, 1985 (50 FR 2633).

The last notification was filed on July 27, 1996. The Department of Justice published a notice in the Federal Register on August 14, 1996 (61 FR 42268).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–24769 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; the Ohio Aerospace Institute

Notice is hereby given that, on September 4, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Ohio Aerospace Institute (''OAI'') filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the joint research and development venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties are Caterpillar, Inc., Peoria, IL; CyberOptics, Golden Valley, MN; Intelligent Automation Systems, Cambridge, MA; Allison Engine Company, Indianapolis, IN; Atkins & Pearce Technology Division, Covington, KY; Alcoa, Alcoa Center, PA; Allied Signal, Phoenix, AZ; American Gas Association Laboratories, Cleveland, OH; Parker Hannifin Corporation, Irvine, CA; BF Goodrich Aerospace, Brecksville, OH; The Cleveland Clinic Foundation, Cleveland OH; Brown and Sharpe, North Kingstown, RI; Picker International, Highland Hts., OH; TRW, Inc., Redondo Beach, CA; GE Aircraft Engines, Cincinnati, OH; Williams International Co., L.L.C., Walled Lake, MI; Aircraft Braking Systems Corporation, Akron, OH; Lockheed Martin Tactical Defense, Akron, OH; Eaton Corporation, Willoughby Hills, OH; Hughes Research Laboratories, Malibu, CA; Pratt & Whitney, West Palm Beach, FL; Cleveland State University, Cleveland, OH; Ohio University, Athens, OH; University of Toledo, Toledo, OH; The University of Cincinnati, Cincinnati, OH; University of Dayton, Dayton, OH; The University of Akron, Akron, OH; Case Western Reserve University, Cleveland OH; The Ohio State University, Columbus, OH; Wright State University, Dayton, OH; NASA Lewis Research Center, Cleveland, OH; and Wright Patterson Air Force Base, WPAFB, OH.

OAI is a non-profit corporation dedicated to facilitating collaboration among industry, university, and government sectors to enhance Ohio and United States economic competitiveness through collaborative research, graduate and continuing education, industrial assistance, and technology adaptation.

Membership in this venture remains open, and OAI intends to file written notification disclosing all changes in membership. Information regarding participation in OAI may be obtained from Eileen Pickett, Ohio Aerospace Institute, Cleveland, Ohio.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–24835 Filed 9–26–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

September 23, 1996.

The Department of Labor has submitted the Work Opportunity Tax Credit (WOTC) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by September 30, 1996. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley (202) 219–5095.

Comments and questions about the WOTC ICR should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316.

The Office of Management and Budget is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarify of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Employment and Training Administration.

Title: Work Opportunity Tax Credit (WOTC).

OMB Number: 1205–0new.

Cite/reference	Total respondents	Frequency	Total responses	Avg.time/response	Burden hours
Data Collection	52	Quarterly	208	31	6,448
Recordkeeing	52	One-time	one-time	897	51,844
Totals			208		58,292

Affected Public: State, Local or Tribal Government.

Total Burden Cost (capital/startup): Note: Currently the WOTC is an unfunded mandate. However, the U.S. House of Representatives in its 1997 appropriation report, states that the Committee intends to provide funds after the legislation is enacted. It is expected that future Congressional action will follow through with this funding.

Total Burden Cost (operating/maintaining): 0.

Description: The Employment and Training Administration (ETA) has oversight responsibilities for the Work Opportunity Tax Credit (WOTC) under the Small Business Jobs Protection Act of 1996 (Pub. L. 104–188). Data collected on the WOTC will be collected by the State Employment Security Agencies and provided to the U.S. Employment Service, Division of Planning and Operations, Washington, DC, through the appropriate Department of Labor regional office. The data will be used primarily, for program management, including monitoring, oversight and the identification of technical assistance and training requirements. The date is also provided to the Congress through an annual Training and Employment Report of the Secretary of Labor. The information reported on ETA forms will be reported annually to the Committee House Ways and Means of the U.S. House of Representatives.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–24823 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–30–M

Submission for OMB Emergency Review; Comment Request

September 23, 1996.

The Department of Labor has submitted the Hazard Communication Information Collection Request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by September 30, 1996.

In accordance with 5 CFR 1320.8(d)(1) the Occupational Safety and Health Administration (OSHA) published a 60-day preclearance Federal Register notice (61 FR 10384) on March 13, 1996, inviting public comment. Due to extensive coordination efforts with the National Advisory Committee on Occupational Safety and Health (NACOSH), OSHA is now completing the analysis of all public comments received. Following final review of all public comments the ICR will be submitted to the Office of Management and Budget in accordance with 5 CFR 1320.12.

A copy of this emergency review ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ({202} 219–5095).

Comments and questions concerning this emergency review Hazard Communication ICR should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, Room 10235, Washington, DC 20503 ({202} 395–7316).

The Office of Management and Budget is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarify of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Occupational Safety and Health Administration.

Title: Hazard Communication.

OMB Number: 1218–0072.

Frequency: On occasion.

Affected Public: Business or other for-profit, Federal government and State, Local or Tribal governments.

Number of Respondents: 5,041,918.

Estimated Time per Respondent: Time per response ranges from 12 seconds to affix labels to containers containing hazardous chemicals to 5 hours to develop a hazard communication program.

Total Burden Hours: 13,201,863.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Description: The Hazard Communication Standard and its information collection requirements are designed to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to employees and downstream employers. The standard requires chemical manufacturers and importers to evaluate chemicals they produce or import to determine if they are hazardous; for those chemicals determined to be hazardous, material safety data sheets and warning labels must be developed. Employers are required to establish hazard communication programs, to transmit information on the hazards of chemicals to their employees by means of labels on containers, material safety data sheets and training programs. Implementation of these collection of information requirements will ensure all employees have the ''right-to-know'' the hazards and identities of the chemicals they work with and will reduce the incidence of chemically-related occupational illnesses and injuries.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–24830 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–26–M

Employment and Training Administration

[TA–W–32,618]

Apparel Services Company, Incorporated Andalucia, AL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was

initiated on August 5, 1996 in response to a worker petition which was filed on behalf of workers at Apparel Services Company, Incorporated, Andalucia, Alabama.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 17th day of September 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–24828 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,615, TA–W–31,615A]

Dalen Resources Oil and Gas Company, A/K/A Enserch Exploration, Inc., A/K/A Fred Vinson & Associates; Dallas, Texas and Various Locations in Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 30, 1996, applicable to all workers of Dalen Resources Oil and Gas Company located in Dallas, Texas and various locations within the State of Texas. The notice was published in the Federal Register on February 21, 1996 (61 FR 6659). The worker certification was subsequently amended to include those workers whose unemployment insurance (UI) taxes were paid to Enserch Exploration, Inc. The amended notice was published in the Federal Register on April 3, 1996 (61 FR 14822).

At the request of the State agency, the Department reviewed the worker certification. New information provided by the subject firm shows that some of the workers at Dalen Resources, also known as Enserch Exploration, Inc., had their UI taxes paid to Fred Vinson & Associates. Accordingly, the Department is again amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amendment notice applicable to TA–W–31,615 is hereby issued as follows:

''All workers of Dalen Resources Oil and Gas Company, also known as Enserch Exploration, Inc., also known as Fred Vinson & Associates, Dallas, Texas (TA–W–31,615) and various locations within the State of Texas (TA–W–31,615A) who became totally or partially separated from employment on or after October 24, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 16th day of September 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–24824 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,969; TA–W–31,960A]

Hasbro Manufacturing Services; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 17, 1996, applicable to all workers of Hasbro Manufacturing Services located in El Paso, Texas. The notice was published in the Federal Register on May 16, 1996 (61 FR 24815).

At the request of the company, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that worker separations have occurred at Hasbro's production facility in Amsterdam, New York. The workers produce toys.

The intent of the Department's certification is to include all workers of Hasbro Manufacturing Services adversely affected by imports. Accordingly, the Department is amending the certification to include all workers at the subject firms' Hasbro Manufacturing Services.

The amended notice applicable to TA–W–31,969 is hereby issued as follows:

''All workers of Hasbro Manufacturing Services, El Paso, Texas (TA–31,969) and Amsterdam, New York (TA–W–31,969A) engaged in employment related to the production of toys who became totally or partially separated from employment on or after March 16, 1996 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 16th day of September 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services Office of Trade Adjustment Assistance.

[FR Doc. 96–24825 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than October 7, 1996.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than October 7, 1996.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of September, 1996.

Russell Kile,

Acting Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 09/09/96

TA–W	Subject Firm (petitioners)	Location	Date of petition	Product(s)
32,709	Penn Mould Industries (AFGWU)	Washington, PA	08/01/96	Molds for Glass Containers.
32,710	Northbridge Marketing (RWDSU)	Berea, OH	08/26/96	Assemble Packets for Mailing.
32,711	Fender Musical Instrument (Wkrs)	Lake Oswego, OR	08/26/96	Guitar Amplifiers.
32,712	Johnson and Johnson Med (Comp)	El Paso, TX	08/29/96	Surgical Gowns, Drapes & Scrubs.
32,713	Argo Apparel Corp (Wkrs)	Sch. Haven, PA	08/27/96	Knit Shirts, Pants & Shorts.
32,714	Goodyear Tire and Rubber (USWA)	Topeka, KS	08/28/96	Tires.
32,715	Acme United Corp (Comp)	Seneca Falls, NY	08/29/96	Wooden & Plastic Rulers & Yardsticks.
32,716	Tetra/Second Nature (Wkrs)	Oakland, NJ	08/29/96	Aquarium Pumps and Filters.
32,717	Andin International (Wkrs)	New York, NY	08/29/96	Jewelry.
32,718	Olga Co (Comp)	Fillmore, CA	08/21/96	Ladies' Lingerie.
32,719	Contact Technologies, Inc (Comp)	St. Marys, PA	08/19/96	Technical Ceramics & Electrical Contacts.
32,720	Mr. T's Apparel (Wkrs)	Crystal Springs, MS	08/25/96	Shirts, Children's Wear, Uniforms, Pants.
32,721	Whirlpool Corp (IUE)	Evansville, IN	08/08/96	Refrigerators.
32,722	Lambda Electronics, Inc (Comp)	Tucson, AZ	08/28/96	Power Supplies.
32,723	Foseco, Inc (Wkrs)	Mt. Braddock, PA	08/26/96	Filters—Ceramic.
32,724	CAMCO Products & Services (Comp)	Anchorage, AK	08/22/96	Oil and Gas Well Services.
32,725	WEA Manufacturing, Inc (Comp)	Olyphant, PA	08/06/96	Compact Discs and Cases.
32,726	Marblehead Lime Co (UNITE)	Thornton, IL	08/27/96	Lime.
32,727	Amana Refrigeration, Inc (Comp)	Delaware, OH	08/27/96	Low end Manual Clean Kitchen Ranges.
32,728	ASARCO, Inc (Comp)	Strawberry Plns, TN	08/23/96	Zinc.
32,729	Kuppenheimer Co (UNITE)	Logganville, GA	08/25/96	Men's Suits, Sportscoats, & Slacks.
32,730	Kuppenheimer Co (UNITE)	Wellston, OH	08/25/96	Men's Suits, Sportscoats, and Slacks.
32,731	Douglas Randall/Crydom (Wkrs)	Pawcatuck, CT	08/23/96	Solid State Relays.
32,732	Hotsy Equipment (Wkrs)	Boyertown, PA	08/23/96	Industrial Cleaning Equipment.
32,733	Comet Rice Mill (Wkrs)	Stuttgart, AR	08/13/96	Rice.
32,734	Tell City Chair Co (Wkrs)	Leitchfield, KY	08/20/96	Wood Furniture.
32,735	Harbours Casuals, Inc (ILGWU)	Plains, PA	08/27/96	Ladies' Sportswear.
32,736	Roxanne of Pennsylvania (ILGWU)	Wilkes-Barre, PA	08/27/96	Ladies' Swimwear.
32,737	Tamac (ILGWU)	Tamacqua, PA	08/27/96	Ladies' Swimwear & Sportswear.

[FR Doc. 96–24826 Filed 9–26–96; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–31,888]

Porter House Limited aka Regina Porter, New York, NY; Notice of Revised Determination on Reopening

On March 13, 1996, the Department issued a Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to all workers of Porter House Limited, aka Regina Porter, located in New York, New York. The notice was published in the Federal Register on April 3, 1996 (61 FR 14820).

Based on new information received from the union representative and company officials, the Department, on its own motion, reviewed the findings of the investigation.

The initial denial of TAA for the workers of Porter House Limited for Trade Adjustment Assistance was based on the fact that the workers were engaged in the merchandising of imported women's apparel and did not produce an article.

New findings on reopening show that the workers produced samples of ladies' sportswear. The workers sewed, cut and finished the samples. Other findings show that sales, production and employment decreased in the relevant period.

U.S. aggregate imports of women's and girls' skirts increased absolutely in 1995 compared with 1994. Imports/shipments for women's skirts; blouses and shirts; and coats and jackets was over 110% in 1994 and 1995.

Conclusion

After careful review of the additional facts obtained on reopening, I conclude that increased imports of articles like or directly competitive with ladies' sportswear contributed importantly to the declines in sales or production and to the total or partial separation of workers of Porter House Limited, aka Regina Porter, New York, New York. In accordance with the provisions of the Act, I make the following certification:

All workers of Porter House Limited, aka Regina Porter, New York, New York who became totally or partially separated from employment on or after January 29, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of September 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–24829 Filed 9–26–96; 8:45 am]
BILLING CODE 4510–30–M

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits

have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication the Federal Register are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA960001 (March 15, 1996)
MA960003 (March 15, 1996)
MA960007 (March 15, 1996)
MA960017 (March 15, 1996)
MA960018 (March 15, 1996)
MA960019 (March 15, 1996)
Maine
ME960009 (March 15, 1996)
New Hampshire
NH600001 (March 15, 1996)
NH960002 (March 15, 1996)
NH960003 (March 15, 1996)
NH960005 (March 15, 1996)
NH960007 (March 15, 1996)
NH960017 (March 15, 1996)
New York
NY960007 (March 15, 1996)
NY960074 (March 15, 1996)
NY960076 (March 15, 1996)
Vermont
VT960025 (March 15, 1996)

Volume II

Pennsylvania
PA960008 (March 15, 1996)

Volume III

Alabama
AL960007 (March 15, 1996)
Florida
FL960001 (March 15, 1996)
Kentucky
KY960001 (March 15, 1996)
KY960002 (March 15, 1996)
KY960003 (March 15, 1996)
KY960004 (March 15, 1996)
KY960029 (March 15, 1996)

Volume IV

Illinois
IL960002 (March 15, 1996)
IL960005 (March 15, 1996)
IL960020 (March 15, 1996)
Minnesota
MN960007 (March 15, 1996)
Ohio
OH960001 (March 15, 1996)
OH960002 (March 15, 1996)
OH960003 (March 15, 1996)
OH960024 (March 15, 1996)
OH960028 (March 15, 1996)
OH960029 (March 15, 1996)
OH960032 (March 15, 1996)
OH960036 (March 15, 1996)

Volume V

Iowa
IA960013 (March 15, 1996)
New Mexico
NM960001 (March 15, 1996)

Volume VI

Alaska
AK960010 (March 15, 1996)
Arizona
AZ960001 (March 15, 1996)
California
CA960032 (March 15, 1996)
South Dakota
SD960005 (March 15, 1996)
SD960006 (March 15, 1996)
SD960010 (March 15, 1996)
SD960011 (March 15, 1996)
SD960014 (March 15, 1996)
SD960016 (March 15, 1996)
SD960017 (March 15, 1996)
SD960018 (March 15, 1996)
SD960022 (March 15, 1996)
SD960026 (March 15, 1996)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 19th day of September 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–24543 Filed 9–26–96; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Program Manager of the Office of Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes actions pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment after December 8, 1993 (date of enactment of Public Law 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Program Manager of OTAA at the U.S. Department of Labor (DOL) in Washington, D.C. provided such request is filed in writing with the Program Manager of OTAA not later than October 7, 1996.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Program Manager of OTAA at the address shown below not later than October 7, 1996.

Petitions filed with the Governors are available for inspection at the Office of the Program Manager, OTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of September, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received at Governor's Office	Petition No.	Articles produced
C.J. Enterprises (Co.)	Morganton, NC	08/22/96	NAFTA–01208	Textiles ladies and men's hosiery socks.
Lambda Electronics (Co.)	Tucson, AZ	08/27/96	NAFTA–01209	Power supplies.
Murray, Inc. (Wkrs)	Lawrenceburg, TN	08/20/96	NAFTA–01210	Bicycles and lawn movers.
Tecnol Medical Products (Wkrs)	Ft. Worth, TX	09/02/96	NAFTA–01211	Medical products.
Tell City Chair Company (GMP)	Tell City, IN	08/23/96	NAFTA–01212	Wood furniture.
Intercontinental Branded Apparel (UNITE)	Dunkirk, NY	08/23/96	NAFTA–01213	Men's dress pants.
Bell Packaging (Wkrs)	Mensminee, MI	08/20/96	NAFTA–01214	Wax paper, reynolds marcal.
Constant Velocity (Co.)	Byerett, WA	08/28/96	NAFTA–01215	Front wheel drive axles.
Goodyear Tire and Rubber Company (USWA)	Topeka, KS	08/29/96	NAFTA–01216	Tire production.
Temple-Inland (Wkrs)	Silsbee, TX	08/29/96	NAFTA–01217	Wood chip.
Decotech Innovations (Wkrs)	Marion, NC	08/26/96	NAFTA–01218	Cloth and yarn.
Steven Hint Farms (Wkrs)	Midland, TX	08/30/96	NAFTA–01219	Raw cotton.
Trinity Industries (Co.)	New London, MN	08/30/96	NAFTA–01220	Pressure tanks (propane and antydrous amonia).
UNIFI Yarns (Wkrs)	Sanford, NC	09/05/96	NAFTA–01221	Yarn for making sweat suits, socks, tee-shirts.
Silcone Power Corp. (UNITE)	Pawcatuck, CT	08/27/96	NAFTA–01222	Relays and controls.
Johnson and Johnson Medical (Co.)	El Paso, TX	09/04/96	NAFTA–01223	Disposable surgical gowns.
Penn Mould Industries	Washington, PA	08/29/96	NAFTA–01224	Molds.
W.W. Henry; Division of Armstrong (Co.)	South River, NJ	09/06/96	NAFTA–01225	Powders, grouts and adhesives.
Monutain Bag Manufacturing (Co.)	Monroe, LA	09/10/96	NAFTA–01226	Flexible intermediate bulk containers.
Ozark Quilt Supply (Wkrs)	Winona, MO	09/10/96	NAFTA–01227	Quilts, quilt tops, pillow shams and dust ruffles.
Boise Cascade; White Paper Division (AWPPW)	Vancouver, WA	09/09/96	NAFTA–01228	Base Stocks.
Amana Refrigeration (Wkrs)	Delaware, OH	08/26/96	NAFTA–01229	Low end manual clean kitchen ranges.
Pendleton Woolen Mills (Wkrs)	Portland, OR	09/09/96	NAFTA–01230	Wool fabric.
The Guardian Life Insurance Co. (Wkrs)	Portland, OR	09/09/96	NAFTA–01231	Insurance sales.
Hoskins Manufacturing Co. (USWA)	New Paris, IN	09/12/96	NAFTA–01232	Spark plug alloys.
American Cometra; Rockland Pipeline Co. (Wkrs)	Fort Worth, TX	09/12/96	NAFTA–01233	Natural gas, natural gas liquids and crude oil.
Phillip Burlington Environmental (IBT)	Seattle, WA	09/12/96	NAFTA–01234	
Schreiber Foods (IBT)	Green Bay, WI	09/12/96	NAFTA–01235	Lines.
Eastern Associated Coal (UMWA)	Chas, WV	09/05/96	NAFTA–01236	Coal.
Burlington Industrial, Inc,; JC Cowan Plant (Co.)	Forest City, NC	09/13/96	NAFTA–01237	Wool yarn, wool dyeing and finishing fabric.

[FR Doc 96–24827 Filed 9–26–96; 8:45 am]
BILLING CODE 4510–30–M

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Notice of Cancellation of Sunshine Act Meeting

The Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation has cancelled the board meeting of September 27, 1996, at the University of Arizona Main Library, Tucson, Arizona 85721. Notice of this meeting was published September 20, 1996 in 61 FR 49491. This meeting was cancelled due to illness.

CONTACT PERSON FOR MORE INFORMATION: Christopher L. Helms, 803 East First Street, Tucson, AZ 85719. Telephone: 520–670–5523.

Dated this 24th day of September, 1996.

Susan E. Parrott,

Administrative Assistant, Morris K. Udall Foundation.

[FR Doc. 96–25036 Filed 9–25–96; 3:03 pm]
BILLING CODE 9630–11–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel (Education & Access Section) to the National Council on the Arts will be held on October 7–10, 1996 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506. The meeting will take place from 9:00 a.m. to 6:30 p.m. on October 7; from 9:00 a.m. to 8:00 p.m. on October 8; from 9:00 a.m. to 8:00 p.m. on October 9; and from 9:00 a.m. to 5:00 p.m. on October 10.

This meeting will be open to the public from 2:30 p.m. to 5:00 p.m. on October 10 for a discussion of guidelines and policy related issues. The remaining portions of the meeting from 9:00 a.m. to 6:30 p.m. on October 7; from 9:00 a.m. to 8:00 p.m. on October 8; from 9:00 a.m. to 8:00 p.m. on October 9; and from 9:00 a.m. to 2:30 p.m. on October 10, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the June 22, 1995 determination of the Chairman, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW Washington, D.C. 20506, 202/682–5532, TYY/TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5691.

Dated: September 20, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 96–24761 Filed 9–26–96; 8:45 am]
BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biological Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Advisory Panel for Biological Infrastructure (#1215).

Date and Time: October 16–17, 1996, 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, Room 370, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Karl Koehler and Berry Masters, Program Directors, Biological Instrumentation and Instrument Development, Room 615, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, Telephone: (703) 306–1472.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Multi-User Biological Science (MBE) proposals as part of the selection process for award.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24804 Filed 9–26–96; 8:45 am]
BILLING CODE 7555–01–M

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date and Time: October 17 (2:00 p.m. to 5 p.m.) and October 18, 1996 (8:30 a.m. to 5:00 p.m.).

Place: Room 360, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Gerald Selzer, Program Director, Division of Biological Infrastructure (DBI), Room 615, National Science Foundation, 4201 Wilson Blvd. Arlington, VA 22230, Tel: (703) 306–1469.

Purpose of Meeting: To provide advice and recommendations concerning BIO Database Activities projects.

Agenda: To review and evaluate annual progress report and request for funding provided by the Protein Data Bank project.

Reason for Closing: The report being reviewed includes information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the report. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24802 Filed 9–26–96; 8:45 am]
BILLING CODE 7555–01–M

Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name of Committee: Special Emphasis Panel in Elementary, Secondary and Informal Education

Date and Time: October 17, 1996; 5:00 p.m. to 9:00 p.m., October 18, 1996; 8:00 a.m. to 5:00 p.m., October 19, 1996; 8:00 a.m. to 3:00 p.m.

Place: Marriott, Metro Center, 775 12th Street, N.W., Washington, D.C. 20005.

Type of Meeting: Closed.

Contact Person: Dr. Joyce Evans, Program Director, Division of Elementary, Secondary

and Informal Education, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1613.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24799 Filed 9–26–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following three site visits of the Special Emphasis Panel in Materials Research #1203.

Date, Time, place:

10–16–96, 2:00 pm–9:00 pm
10–17–96, 8:00 am–5:00 pm; University of Chicago
10–29–96, 8:00 am–9:00 pm
10–30–96, 8:00 am–5:00 pm; Massachusetts Institute of Technology
10–31–96, 8:00 am–9:00 pm
11–01–96, 8:00 am–5:00 pm; Harvard University

Type of Meeting: Closed.

Contact Person: Dr. W. Lance Haworth, Coordinating Program Director, Materials Research Science and Engineering Centers, Division of Materials Research, Room 1065, NSF, 4201 Wilson Blvd., Arlington, VA 22230, Telephone (703) 306–1815.

Purpose of Meeting: To provide advice and recommendations concerning support for the Materials Research Science and Engineering Centers at the above sites.

Agenda: To review and evaluate progress at the above sites.

Reason of Closing: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24801 Filed 9–26–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis for NSFNET Connections Panel (#1207).

Date and Time: October 15–17, 1996; 8:30 a.m. to 5:00 p.m.

Place: Room 1175.

Type of Meeting: Closed.

Contact Person(s): Mark Luker, Program Director, CISE/NCRI, Room 1175, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1950.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted for the NSFNET Connections Program.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24800 Filed 9–26–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Advisory Panel for Neuroscience (1193).

Date and Time: October 17 and 18, 1996 9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, Rm 320, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Person: Dr. James I. Koenig, Program Director, Neuroendocrinology, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: (703) 306–1424.

Purpose of Meeting: To provide advice and recommendations concerning research proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: October 18, 1996; 10:00 a.m. to 11:00 a.m., to discuss goals and assessment procedures. Closed Session: October 17, 1996; 9:00 a.m. to 5:00 p.m., October 18, 1996, 9:00 a.m. to 10:00 a.m. and 11:00 p.m. to 5:00 p.m. To review and evaluate Neuroendocrinology proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24798 Filed 9–26–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neuroscience (1158).

Date and Time: October 17 & 18, 1996; 9:00 a.m. to 6:00 p.m.

Place: Room 310, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Part-Open.

Contact Persons: Dr. Walter Wilczynski, Program Director, Behavioral Neuroscience; Dr. Raymon Glantz, Program Director, Computational Neuroscience; Division of Integrative Biology and Neuroscience; room 685, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; Telephone: (703) 306–1416.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact persons listed above.

Agenda: Open Session: October 18, 1996; 3:00 p.m. to 4:00 p.m., To discuss research trends and opportunities in Behavioral and Computational Neuroscience. Closed Session: October 17, 1996; 9:00 a.m. to 6:00 p.m.; October 18, 1996, 9:00 a.m. to 3:00 p.m.; 4:00 p.m. to 6:00 p.m. To review and evaluate Behavioral and Computational Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: September 23, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–24803 Filed 9–26–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

Public Service Electric and Gas Company (PSE&G), PECO Energy Company, Delmarva Power and Light Company, Atlantic City Electric Company (Salem Nuclear Generating Station, Units 1 and 2); Exemption

I

The Public Service Electric and Gas Company, et al. (PSE&G, the licensee) is the holder of Facility Operating license Nos. DPR–70 and DPR–75, which authorize operation of the Salem Nuclear Generating Station, Units 1 and 2, respectively. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities consist of two pressurized water reactors, Salem Nuclear Generating Station, Units 1 and 2, at the licensee's site located in Salem County, New Jersey.

II

Pursuant to 10 CFR 55.31(a)(5), each licensed operator applicant is required to perform at least five significant control manipulations which affect reactivity or power level on the facility for which the license is sought. In addition, for a facility which has completed preoperational testing and is in an extended shutdown which precludes manipulation of the control of the facility, the Commission may process the application and may administer the required written examination and operating test, but may not issue the license until the required evidence of control manipulations is supplied.

III

By letter dated May 10, 1996, as supplemented by letters dated June 20, 1996, and July 9, 1996, the licensee requested an exemption from the requirements of 10 CFR 55.31(a)(5) for 10 applicants for operator and senior operator licenses. The requested exemption would allow issuance of operator and senior operator licenses to the applicants prior to their performance of the required control manipulations. Performance of the control manipulations on the Salem facility has not been possible since both Units 1 and 2 have been shutdown for approximately 1 year for extensive upgrades of both equipment and personnel. In lieu of performing the control manipulations on its facility, the licensee requests acceptance of satisfactory performance of simulated control manipulations on its certified, plant-referenced simulator, since all of the applicants have significant and extensive commercial nuclear power plant experience, although only six of the 10 applicants have previously been licensed and performed reactor controls manipulations. The licensee further committed to the performance of the required control manipulations by each applicant on the Salem Nuclear Generating Station, Unit 2, prior to or at the time the unit achieves 100 percent power following the current plant outage. The requested relief would constitute a one-time exemption from the requirements of 10 CFR 55.31(a)(5).

In support of its request for exemption, the licensee stated that the 10 applicants have significant commercial nuclear power plant experience—from 5 to 22 years—and leadership capabilities important to improve the quality of the staff. They have received additional simulator training on their certified, plant-referenced simulator, including the performance of simulated control manipulations beyond the number required by 10 CFR 55.31(a)(5). The licensee stated that the seven senior operator applicants conducted control manipulations at other facilities and that six of these applicants have also performed licensed senior operator duties within approximately the last 2 years. Finally, the licensee asserts that the 10 applicants have the specific leadership characteristics, determined through a rigorous screening and interview process, considered vital for reliable shift performance. The licensee further stated that failure to grant the exemption would not serve an underlying purpose of the rule in that the safety of nuclear power plant operations would not be improved and the increased level of experience of the operators available would enhance safe restart of Unit 2.

The licensee concludes that the proposed alternate qualifications and training will not adversely affect the capabilities of the operator and senior operator applicants, and it is in the public interest to grant the exemption since inclusion of these individuals on the operations staff will facilitate the increased level of safety as part of the Salem Restart Action Plan.

IV

The underlying purpose of 10 CFR 55.31(a)(5) is to ensure that applicants for operator and senior operator licenses have some minimum level of actual on-the-job training and experience manipulating the controls in the power plant control room prior to license issuance. The six previously licensed senior operator applicants possess recent significant licensed senior operator experience at other pressurized water reactors and have successfully conducted actual control manipulations. By their previous licensed experience, they have demonstrated that they possess the required levels of practical skills and abilities needed to safely operate a nuclear plant. Because of their considerable licensed operating experience and the additional training provided on the Salem certified, plant-referenced simulator, the lack of manipulations of the actual controls of the Salem facility is not significant. Furthermore, the six applicants will complete the manipulations prior to or at the time that Unit 2 achieves 100% power following the current outage. Therefore, the NRC staff has concluded that the licensee's proposed use of simulated control manipulations for these six senior operator applicants, combined with their prior experience, meets the intent of the requirement of 10 CFR 55.31(a)(5) to have actual experience manipulating the controls in the power plant control room prior to licensing. Meeting the requirement for the completion of the control manipulations on the actual plant for all of the licensed operator applicants would significantly delay issuance of licenses for these applicants, with a resultant adverse effect on the facility licensee's operating crew experience level without a net benefit to safety, and would otherwise have a detrimental effect on the public interest. This one-time exemption will allow additional experienced licensed senior operator support during the upcoming Salem Unit 2 restart, which will provide a safety enhancement during plant startup operations and testing.

V

The NRC staff has reviewed the licensee's request and has concluded that issuance of this exemption will not endanger life or property and will have no significant effect on the safety of the public or the plant.

Accordingly, the Commission has determined, pursuant to 10 CFR 55.11, that this exemption as described in Section III (for the six senior operator license applicants with previous licensed senior operator experience—Messrs Armando, Downey, Fitzgerald, Jackson, Gumbert and Soens) is authorized by law, will not endanger life or property, and is otherwise in the public interest. Therefore, the

Commission hereby grants a one-time exemption from the requirements of 10 CFR 55.31(a)(5) to the six senior operator license applicants with previous licensed senior operator experience prior to their performance of at least five significant control manipulations which affect reactivity or power level on the Salem Nuclear Generating Station. Each of the six applicants named above shall have completed at least five significant control manipulations which affect reactivity or power level on the Salem Nuclear Generating Station, Unit 2, prior to or at the time of the unit achieving 100% power following the current outage, or they shall be removed from licensed duties.

The exemption request is denied for the four applicants with no prior licensed operating experience since simulator training alone is not deemed to be an acceptable alternative to 10 CFR 55.31(a)(5).

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (61 FR 49501).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 24th day of September 1996.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–24857 Filed 9–26–96; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTRACT: Patricia Paige, (202) 606–0830.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on September 3, 1996, (61 FR 46492). Individual authorities established or revoked under Schedules A and B and established under Schedule C between August 1, 1996, and August 31, 1996, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 was published on September 4, 1996, (FR 46782).

Schedule A

No Schedule A authorities were established in August 1996.

The following Schedule A authorities were revoked in August 1996:

Government Printing Office

Not to exceed three positions of Research Associate at grades GS–15 and below, involved in the study and analysis of complex problems relating to the reductions of the Government's printing costs. Appointments under this authority may not exceed one year. Effective August 29, 1996.

Positions in the printing trades when filled by students majoring in print technology employed under a cooperative education agreement with the University of the District of Columbia. Effective August 27, 1996.

Schedule B

No Schedule B authorities were established in August 1996.

The following Schedule B authority was revoked in August 1996:

National Credit Union Administration

All managerial and supervisory positions at pay levels greater than the equivalent of GS–13 at the Central Liquidity Facility. Effective August 27, 1996.

Schedule C

The following Schedule C authorities were established in August 1996:

Commission on Civil Rights

Deputy General Counsel to the General Counsel, Office of the General Counsel. Effective August 13, 1996.

Department of Agriculture

Director, Office of the Executive Secretariat to the Secretary of Agriculture. Effective August 1, 1996.

Confidential Assistant to the Acting Director, Office of Communications. Effective August 9, 1996.

Confidential Assistant to the Administrator, Food and Consumer Service. Effective August 15, 1996.

Confidential Assistant to the Administrator, Farm Service Agency. Effective August 15, 1996.

Staff Assistant to the Acting Director, Office of Communications. Effective August 16, 1996.

Department of Commerce

Director of Advance to the Deputy Chief of Staff for External Affairs. Effective August 1, 1996.

Deputy Director to the Assistant to the Secretary and Director, Office of Policy and Strategic Planning. Effective August 6, 1996.

Deputy Director, Office of Business Liaison to the Director, Office of Business Liaison. Effective August 27, 1996.

Department of Education

Confidential Assistant to the Special Advisor to the Secretary in the Office of the Secretary. Effective August 1, 1996.

Confidential Assistant to the Director, Office of Public Affairs. Effective August 15, 1996.

Confidential Assistant to the Assistant Secretary, Office of Intergovernmental and Interagency Affairs. Effective August 15, 1996.

Special Assistant to the Director, Office of Public Affairs. Effective August 16, 1996.

Special Assistant to the Counselor to the Secretary. Effective August 29, 1996.

Special Assistant to the Counselor to the Secretary. Effective August 29, 1996.

Department of Energy

Special Assistant to the Assistant Secretary for Environmental Management. Effective August 1, 1996.

Special Assistant to the Deputy Assistant Secretary for Senate Liaison. Effective August 13, 1996.

Special Assistant to the Assistant Secretary for Energy Efficiency and Renewable Energy. Effective August 26, 1996.

Department of Health and Human Services

Special Projects Specialist to the Assistant Secretary for Public Affairs. Effective August 9, 1996.

Confidential Assistant (Scheduling) to the Director of Scheduling. Effective August 22, 1996.

Department of Housing and Urban Development

General Deputy Assistant Secretary to the Assistant Secretary, Community Planning and Development. Effective August 20, 1996.

Special Advisor to the Secretary's Representative. Effective August 22, 1996.

Special Assistant to the Assistant Secretary for Community Planning and Development. Effective August 29, 1996.

Department of Labor

Special Assistant to the Deputy Assistant Secretary, Office of Federal

Contract Compliance Programs. Effective August 9, 1996.

Special Assistant to the Assistant Secretary for Public Affairs. Effective August 20, 1996.

Secretary's Representative, Philadelphia, PA to the Associate Director, Office of Congressional and Intergovernmental Affairs. Effective August 29, 1996.

Staff Assistant to the Chief of Staff. Effective August 29, 1996.

Department of State

Senior Advisor to the Assistant Secretary, Bureau of South Asian Affairs. Effective August 14, 1996.

Resources, Plans and Policy Advisor to the Director, Office of Resources, Plans and Policy. Effective August 22, 1996.

Foreign Affairs Officer to the Deputy Secretary, Office of the Deputy Secretary of State. Effective August 26, 1996.

Department of Transportation

Special Assistant to the Administrator, Research and Special Programs Administration. Effective August 9, 1996.

Department of the Treasury

Principal Senior Advisor to the Under Secretary (Enforcement). Effective August 20, 1996.

Equal Employment Opportunity Commission

Special Assistant to the Director, Office of the Communications and Legislative Affairs. Effective August 15, 1996.

Federal Housing Finance Board

Special Assistant to the Chairman. Effective August 13, 1996.

Federal Mine Safety and Health Review Commission

Confidential Assistant to the Commissioner. Effective August 9, 1996.

Office of Management and Budget

Special Assistant to the Director, Office of Management and Budget. Effective August 20, 1996.

Securities and Exchange Commission

Confidential Assistant to the Director of Public Affairs, Policy Evaluation and Research. Effective August 22, 1996.

Selective Service System

Executive Director to the Director of Selective Service. Effective August 9, 1996.

United States Tax Court

Secretary (Confidential Assistant) to the Judge. Effective August 16, 1994.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–24832 Filed 9–26–96; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 22243; 812–10270]

The Pilot Funds, et al.; Notice of Application

September 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: The Pilot Funds (''Trust''), on behalf of Pilot Growth Fund, Pilot Growth and Income Fund, Pilot Short-Term Diversified Assets Fund, and Pilot Diversified Bond Income Fund (''Acquiring Funds''), FUNDS IV Trust (''Funds IV''), on behalf of Aggressive Stock Appreciation Fund, Stock Appreciation Fund, Value Stock Appreciation Fund, Bond Income Fund, Intermediate Bond Income Fund, and Cash Reserve Money Market Fund (''Reorganizing Funds''), Boatmen's Trust Company (''BTC''), and BANK IV, N.A.

RELEVANT ACT SECTIONS: Order requested under section 17(b) granting an exemption from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order under section 17(b) granting an exemption from section 17(a) to permit each Acquiring Fund to acquire all of the assets and assume all of the stated liabilities of its corresponding Reorganizing Fund or Funds.

FILING DATES: The application was filed on July 25, 1996. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 15, 1996, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicants: Trust, 3435 Stelzer Road, Columbus, Ohio 43219; Funds IV, 237 Park Avenue, New York, New York 10019; BTC, 100 North Broadway, St. Louis, Missouri 63178; Bank IV, N.A., 100 North Broadway, Wichita, Kansas 67202.

FOR FURTHER INFORMATION CONTACT: Harry Eisenstein, Staff Attorney, at (202) 942–0552, or Mercer E. Bullard, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust, organized as a Massachusetts business trust, and Funds IV, organized as a Delaware business trust, are registered under the Act as open-end management investment companies. BTC acts as investment adviser to each Acquiring Fund. Bank IV, N.A. acts as investment adviser to each Reorganizing Fund, except the Cash Reserve Money Market Fund, which is advised by AMR Investment Services, Inc. (''AMR''). Bank IV, N.A. and BTC are wholly-owned subsidiaries of Boatmen's Bancshares, Inc.

2. BTC, Bank IV, N.A. and their respective affiliates hold of record 99% of the total outstanding shares of each Reorganizing Fund, 96% of Pilot Growth and Income Fund, and 79% of Pilot Short-Term Diversified Assets Fund.[1] Except with respect to certain defined benefit plans sponsored by BTC, Bank IV, N.A. and their affiliates, (a) none of BTC, Bank IV, N.A. or any of their affiliates has any economic interest in any of such shares, and (b) all such shares being held of record by BTC, Bank IV, N.A. and their affiliates are held for the benefit of others in a trust, agency or other fiduciary or representative capacity. In some instances, any of BTC, Bank IV, N.A. and their affiliates may hold or share voting discretion, investment discretion

[1] Pilot Growth Fund and Pilot Diversified Bond Income Fund have not commenced operations as of the date of this Application and do not presently intend to commence operations prior to the effectiveness of the proposed transactions.

or both with respect to the shares held of record thereby.

3. Each Acquiring Fund and its corresponding Reorganizing Fund have substantially similar investment objectives and policies. Each Reorganizing Fund offers two classes of shares, Service Class and Premium Class. The Premium Class shares outstanding of each Reorganizing Fund represent less than 1% of the outstanding shares of each such Fund. All outstanding shares of the Premium Class of each of the Reorganizing Funds are held by Furman Selz LLC, which provides certain management and administrative services necessary for the operation of the Reorganizing Funds. Those Premium Class shares will be redeemed prior to the effectiveness of the proposed transactions. Service Class shares are offered primarily to persons purchasing through a trust investment manager or an account managed or administered by Bank IV, N.A.

4. Each of the Acquiring Funds, except Pilot Short-Term Diversified Assets Fund, offers three classes of shares, Class A, Class B and Pilot Shares. Pilot Short-Term Diversified Assets Fund offers three classes of shares, Administration Shares, Investor Shares, and Pilot Shares. Pilot Shares of each Acquiring Fund only are sold to persons or entities with trust, fiduciary, custodial or investment management accounts with BTC or its affiliates.

5. Each Acquiring Fund will acquire all of the assets and assume all of the stated liabilities of its corresponding Reorganizing Fund or Funds in exchange for Pilot Shares of the Acquiring Fund (a ''Reorganization''). Service Class shares are not subject to an initial or contingent deferred sales charge or any redemption or exchange fee. The Service Class Shares are subject to a 12b–1 plan which provides for a payment of up to .25% of average daily net assets, but these fees have been waived. No initial or contingent deferred sales charge, 12b–1 fee, or account administration fee is imposed on any Pilot Shares.

6. Immediately after a Reorganization, Pilot Shares of the Acquiring Fund will be distributed to shareholders of the corresponding Reorganizing Fund. Specifically, shares of Pilot Growth Fund will be distributed to shareholders of Aggressive Stock Appreciation Fund, shares of Pilot Growth and Income Fund to shareholders of Stock Appreciation Fund and Value Stock Appreciation Fund, shares of Pilot Short-Term Diversified Assets Fund to shareholders of Cash Reserve Money Market Fund, and shares of Pilot Diversified Bond Income Fund to shareholders of Bond Income fund and Intermediate Bond Income Fund. The number of shares in an Acquiring Fund to be issued in exchange for each share of the corresponding Reorganizing Fund will be determined on the basis of the relative net asset values per share and the aggregate net assets of the Acquiring Fund computed as of the date that Reorganization is consummated (''Closing Date'').

7. The Board of Trustees of each of the Trust and Funds IV approved a reorganization agreement on May 21, 1996, and May 10, 1996, respectively (''Reorganization Agreement''). Each Board of Trustees, including a majority of trustees who are not ''interested persons'' as defined in section 2(a)(19) of the Act, found that participation in the Reorganizations was in the best interest of each Acquiring Fund and Reorganizing Fund, respectively, and that the interests of existing shareholders of the Funds would not be diluted as a result of the Reorganizations. Each Board of Trustees considered the following factors: (a) The Reorganizations will be effected at net asset value; (b) unamortized expenses of each Reorganizing Fund as of the Closing Date and all other costs of the Reorganizing and Acquiring Fund associated with the Reorganizations will be paid by BTC; (c) each Reorganizing Fund will distribute all of its taxable income for the taxable year ending on or prior to the Closing Date and net capital gains realized in such year; (d) shareholders of each Reorganizing Fund must approve the Reorganization Agreement; (e) each Reorganization is expected to be tax-free to the parties thereto and their shareholders; (f) BTC and Bank IV, N.A. have shared investment research and reported within a common line of supervision (except to the extent portfolio management is performed by AMR) since the merger of their respective parent companies; and (g) the investment objectives and policies of each Reorganizing Fund and its corresponding Acquiring Fund are substantially similar.

8. BTC has voluntarily agreed to limit through January 31, 1998 the actual total operating expense ratio of each Acquiring Fund to the actual total operating expense ratio (''Expense Ratio'') of the corresponding Reorganizing Fund, as of January 31, 1996. If more than one Reorganizing Funds is merging into an Acquiring Fund, the Reorganizing Fund having the lower Expense Ratio as of January 31, 1996 will be the ''corresponding'' Reorganizing Fund for purposes of the foregoing sentence.

9. Either the Trust or Funds IV may terminate the Reorganization Agreement (a) on or prior to December 31, 1996, with the consent of the other or (b) after that date by either party on written notice at any time prior to the consummation of the Reorganizations, if the conditions to that party's obligation to perform have not been satisfied. The Trust and Funds IV agree not to make any changes to the Reorganization Agreement that would have a material adverse effect on the application without prior SEC approval.

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security or other property.

2. Section 2(a)(3) of the Act defines the term ''affiliated person'' of another person to include any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting securities of such other person.

3. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

4. Applicants may not rely on rule 17a–8 in connection with the Reorganizations because the Acquiring Funs and the Reorganizing Funds may be deemed to be affiliated for reasons other than those set forth in the rule. As noted above, BTC, Bank IV, N.A. and their affiliates hold of record more than 5% of the outstanding shares of each of the Reorganizing Funds, Pilot Growth and Income Fund, and Pilot Short-Term Diversified Assets Fund.

5. Section 17(b) of the Act provides that the SEC may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

6. Applicants submit that each Reorganization meets the standard for relief under section 17(b), in that the terms of each Reorganization are reasonable and fair and do not involve overreaching on the part of any person concerned; and each Reorganization is consistent with the general purposes of the Act and with the policies of the respective Acquiring Fund and the corresponding Reorganizing Fund.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–24861 Filed 9–26–96; 8:45 am]

BILLING CODE 8010–01–M

Sunshine Meeting Act

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 meeting during the week of September 30, 1996.

A closed meeting will be held on Monday, September 30, 1996, at 10:00 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 Wallman, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Monday, September 30, 1996, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Formal orders of investigation.

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: September 25, 1996.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–24990 Filed 9–25–96; 12:58 pm]

BILLING CODE 8010–01–M

[Release No. 34–37711; File No. SR–PSE–96–17]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Joint Accounts

September 23, 1996.

I. Introduction

On June 11, 1996 the Pacific Stock Exchange, Inc. (''PSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to eliminate a provision that prohibits members who are registered to trade for the same joint account from having overlapping primary appointment zones on the Options Floor.

The proposed rule change was published for comment in Securities Exchange Act Release No. 37365 (June 25, 1996), 61 FR 34917 (July 3, 1996). No comments were received on the proposal.

II. Description of the Proposal

PSE Rule 6.35 currently provides that each market maker shall be assigned a Primary Appointment Zone comprising a minimum of one trading post up to a maximum of six contiguous trading posts.[3] Under Commentary .03 to PSE Rule 6.35, at least 75% of the trading activity of a market maker (measured in terms of contract volume per quarter) shall be in classes of option contracts to which his or her primary appointment extends.[4]

With regard to joint accounts, PSE Rule 6.84, Commentary .05 currently provides that the primary appointment of a market maker may not include trading posts which constitute the primary appointment of any market maker with whom he or she has a joint account. The rule further provides that, for the purposes of evaluating market maker performance in accordance with PSE Rule 6.37, Commentary .04, contract volume in the joint account will be assigned to the participants who effected the transactions for the joint account, under the same guidelines as if they effected the transactions for their own account.

The Exchange proposes to eliminate the provision in Commentary .05 to Rule 6.84 that prohibits joint account participants from having overlapping primary appointment zones. The Exchange believes that this rule places an unnecessary burden on member firms with joint accounts that may desire to have overlapping primary zones for their market makers in order to allow for continuous coverage when participant market makers are temporarily absent from the floor due to illness or vacation. The Exchange also believes that the current procedure of requiring substitute market makers to seek an exemption from Rule 6.35 (or alternatively to assure that the volume of their trading outside their primary zone does not exceed 25% of their total volume), is not efficient. Moreover, the Exchange believes that Rule 6.40, Financial Arrangements of Market Makers, which prohibits participants in the same joint account from trading in the same trading crowd at the same time, will address any concerns that joint account participants may attempt to dominate unfairly the market in a particular option issue or option series.[5]

Finally, the Exchange proposes, for purposes of greater clarity, to eliminate the cross-reference to Rule 6.37, Commentary .04 that is contained in Rule 6.84, Commentary .05 and to replace it with a cross reference to Rule 6.35, Commentary .03.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the Rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[6] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) of the Act in that the proposal is designed to facilitate transactions in securities, to remove impediments to a free and open market, and to promote just and equitable principles of trade.

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Previously, market makers were restricted to Primary Appointment Zones comprising one trading post or two contiguous trading posts. *See* Securities Exchange Act Release No. 363370 (October 13, 1995), 60 FR 54273 (approving increase from two to six in the maximum number of trading posts that may be included in each market maker's Primary Appointment Zone).

[4] PSE Rule 6.35, Commentary .03 provides an exception for unusual circumstances.

[5] *See also* Securities Exchange Act Release No. 37543 (August 8, 1996), 61 FR 42458 (August 15, 1996).

[6] 15 U.S.C. § 78f(b).

The Commission believes that the proposed amendments remove an unnecessary burden on member firms with joint accounts who want to have overlapping primary appointment zones for their market makers in order to allow for continuous coverage when participant market makers are temporarily absent from the floor due to circumstances such as illness or vacation.

The Commission believes that adequate safeguards relating to dealings by members of joint accounts are assured by the application of Rule 6.40, which contains certain trading restrictions on options floor members with ''financial arrangements.'' Specifically, Rule 6.40 prohibits bidding, offering, and/or trading in the same trading crowd at the same time by more than one member of a joint account, unless an exemption is obtained from the Options Floor Trading Committee. The Commission also notes that it has previously approved a PSE proposal to eliminate a commentary to Rule 6.40 prohibiting the primary appointment of a market maker from including trading posts which constitute the primary appointment of any market maker with whom he has an existing financial arrangement, on the basis that it was superfluous in light of the trading restrictions set forth in Rule 6.40.[7] The Commission believes that the similar restriction is likewise superfluous in Commentary .05 to Rule 6.84. Accordingly, the Commission believes Rule 6.40 will adequately address any concerns that joint account participants may attempt to dominate unfairly the market in a particular option issue or option series.

The Commission also believes that it is appropriate, in Rule 6.84, Commentary .05 to make the clarifying change to replace the cross-reference to Rule 6.37, Commentary .04 with a reference to Rule 6.35, Commentary .03.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–PSE–96–17) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–24812 Filed 9–26–96; 8:45 am]

BILLING CODE 8010–01–M

[7] *See supra* note 5.

[8] 15 U.S.C. § 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 96–049]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The National Offshore Safety Advisory Committee (NOSAC) will meet to discuss various issues relating to offshore safety. The meeting will be open to the public.

DATES: The meeting of NOSAC will be held on Thursday, November 7, 1996, from 8 a.m. to 4 p.m. Written material and requests to make oral presentations should reach the Coast Guard on or before October 28, 1996.

ADDRESSES: The NOSAC meeting will be held in the Shell Annex Auditorium (2nd Floor of the Parking Bldg), 701 Poydras Street, New Orleans, Louisiana. Written material and requests to make oral presentations should be sent to Captain R. L. Skewes, Commandant (G–MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Captain R. L. Skewes, Executive Director of NOSAC or Mr. Jim Magill, Assistant to the Executive Director, telephone (202) 267–0214, fax (202) 267–4570.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2.

Agenda of Meeting

National Offshore Safety Advisory Committee (NOSAC). The agenda includes the following:

(1) Introduction and swearing-in of new members.

(2) Progress report from the PTP Subcommittee.

(3) Progress report from the Subcommittee on Pipeline-Free Anchorages for Mobile Offshore Drilling Units (MODUs), Liftboats and Vessels.

(4) Status report on revision of 33 CFR Subchapter ''N'', OCS Regulations.

(5) Status report on the implementation of 46 CFR Subchapter ''L'' on Offshore Supply Vessels (OSVS) and Liftboats.

(6) Report on issue concerning the International Maritime Organization (IMO) and the International Organization of Standardization (ISO).

Procedure

The meeting is open to the public. At the Chairperson's discretion, members of the public may make oral presentations during the meeting. Persons wishing to make oral presentations at the meeting should notify the Executive Director no later than October 28, 1996. Written material for distribution at the meeting should reach the Coast Guard no later than October 28, 1996. If a person submitting material would like a copy distributed to each member of the Committee or Subcommittee in advance of the meeting, that person should submit 25 copies to the Executive Director no later than October 21, 1996.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meeting, contact Mr. Jim Magill as soon as possible.

Dated: September 23, 1996.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 96–24833 Filed 9–26–96; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program of the Intermodal Surface Transportation Efficiency Act—Guidance Update—March 7, 1996

AGENCIES: Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), DOT.

ACTION: Notice of policy guidance.

SUMMARY: The Federal Highway Administration (FHWA) publishes this revised guidance with regard to the Congestion Mitigation and Air Quality Improvement (CMAQ) program. This guidance was previously issued as a memorandum and is printed in its entirety.

EFFECTIVE DATE: March 7, 1996.

ADDRESSES: USDOT, Federal Highway Administration or Federal Transit Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: at FHWA, Mr. Michael J. Savonis, Team Leader for Air Quality Policy, (202) 366–2080; at FTA, Mr. Abbe Marner, Environmental Specialist, (202) 366–0096.

I. Introduction

As established under the Intermodal Surface Transportation Efficiency Act (ISTEA), the CMAQ Program was designed to substantially expand the

focus and purpose of Federal transportation funding assistance to include air quality improvement as a specific objective. These funds are to assist areas designated as nonattainment and maintenance under the Clean Air Act Amendments (CAAA) of 1990 to achieve healthful levels of air quality by funding transportation projects and programs. Six billion dollars is authorized under the program, and apportionments totaling $1 billion are made each year to the States between 1992 and 1997. The first CMAQ apportionment was made in December 1991, and the last will not lapse until the end of fiscal year (FY) 2000.

The CMAQ program has reached mature spending rates, and States have obligated these funds at levels comparable to other, more familiar Federal funding programs, growing to 99 percent in FY 1995. In 1994, the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Environmental Protection Agency (EPA) conducted an extensive review of the CMAQ program with the stated purpose of improving efficiency of program delivery and determining how to better achieve the program's goals. This revised guidance was originally issued as a result of that review process in an effort to be as responsive as possible to the States, local governments, project sponsors, and other stakeholders in the program. Additional changes have been made as a result of the National Highway System Designation Act of 1995 (NHS legislation). Additional copies of this revised guidance are available from the FHWA Hotline at (202) 366–2069. The provisions contained herein are effective immediately and supersede all previous guidance, including all questions and answers and policy memoranda issued to date.

II. Program Purpose

The original purpose of the CMAQ program was to fund transportation projects or programs that will contribute to attainment of a national ambient air quality standard (NAAQS), primarily for ozone and carbon monoxide (CO). The NHS legislation expands eligibility to areas that were designated as nonattainment under the CAAA of 1990 but were since redesignated to attainment status by EPA (referred to as ''maintenance areas'' (see Section III.B.4)). Nonetheless, the CMAQ Program's primary purpose is to fund improvement projects that will assist nonattainment and maintenance areas to reduce transportation emissions rather than maintain the existing transportation networks.

States with areas which are designated as nonattainment for ozone or CO must use their CMAQ funds in their nonattainment or maintenance areas. States with a maintenance area and no nonattainment area should give the air quality needs of the maintenance areas first priority (see Section III.B.4). A State may also use its CMAQ funds in any of its particulate matter (PM–10) nonattainment or maintenance areas, if the requirements below are met. This and all subsequent mention of nonattainment status contained in this guidance refers to those areas classified as marginal or worse for ozone, and moderate or worse for CO or PM–10 under the CAAA of 1990.

Funding under the CMAQ program may not be used in areas that are designated as nonattainment by operation of law prior to enactment of the CAAA of 1990. These include but are not limited to the ozone ''transitional,'' ''submarginal,'' and ''incomplete data'' areas and the CO ''not classified'' areas.

States with ozone or CO nonattainment or maintenance areas, but wishing to use CMAQ funds in PM–10 nonattainment or maintenance areas, must meet the following requirements.

1. The State must consult with, and consider the views of, the metropolitan planning organizations (MPOs) in all nonattainment and maintenance areas within the State before programming CMAQ funds for a PM–10 project. The State must obtain the concurrence only of the MPO in whose jurisdiction the project is to be implemented.

2. Also, the EPA regional office must agree that the proposed use of CMAQ funds for PM–10 projects or programs will not detract from or delay efforts to attain the ozone or CO standards.

The CMAQ provisions in ISTEA recognize ozone and CO as the primary transportation pollutants. The requirements listed above will ensure proper consideration of the views of the agencies charged with controlling transportation emissions of ozone precursors, CO, and PM–10, especially their views on the most effective use of transportation funds in achieving the NAAQS. The CMAQ eligibility of PM–10 projects will not affect a State's CMAQ apportionment, but has the potential to spread the limited CMAQ funds over a greater number of nonattainment and maintenance areas within the State. Examples of eligible projects and programs in a PM–10 nonattainment or maintenance area, if the above requirements are met, are paving dirt roads, diesel bus replacements, and purchase of more effective street-sweeping equipment.

These requirements apply only to projects and programs whose sole justification for CMAQ eligibility is the reduction in PM–10 emissions. In an area which is nonattainment or maintenance for both PM–10 and one of the other pollutants, projects which reduce emissions of CO or ozone precursors in addition to reducing PM–10 emissions are not subject to these additional requirements.

Congress did not intend CMAQ funding to be the only source of funds to reduce congestion and improve air quality. Other funds under the Surface Transportation Program (STP) or FTA's capital assistance programs, for example, may be used for this purpose as well. Furthermore, the greatest air quality benefit will accrue not solely from Federal funds but from a partnership of Federal, State and local efforts.

III. Project Eligibility

In general, all projects and programs eligible for CMAQ funds must come from a conforming transportation plan and transportation improvement program (TIP), and be consistent with the conformity provisions contained in Section 176(c) of the Clean Air Act. Projects also need to complete the National Environmental Policy Act (NEPA) requirements and be included in the appropriate statewide program, and meet basic eligibility requirements for funding under titles 23 and 49 of the United States Code.

Transportation projects and programs are eligible for CMAQ program funds only if they meet certain criteria spelled out in the ISTEA as amended. In determining project eligibility under these criteria, priority should be given to implementing those projects and programs that are included in an approved State implementation plan (SIP) as a transportation control measure (TCM) and will have air quality benefits. The activity must be eligible under the law and this guidance, even if it is included as a TCM in a SIP, before CMAQ funds may be used for it. Any reference to improving air quality contained in this guidance means reducing ozone precursors in ozone areas, CO emissions in CO areas or, if applicable, transportation-related PM–10 pollution in PM–10 areas, whether these areas are designated as nonattainment or maintenance.

In cases where specific guidance is not provided, either below or in other communications, the following should guide CMAQ eligibility decisions.

Capital Investment: Federal contributions to air quality improvements under the CMAQ program should be used for establishment of new or expanded transportation projects and programs to reduce emissions. In most cases this is likely to be capital investment in transportation infrastructure or establishment of a new demand management strategy or other program.

Operating Assistance: There are several general conditions which must be met in order for any type of operating assistance to be eligible under the CMAQ program. These apply equally to traffic flow improvements, transit, ridesharing, bicycle and pedestrian programs, inspection and maintenance (I/M) programs, travel demand management (TDM) measures and any other project funded under the CMAQ program and not covered elsewhere in this guidance;

1. Operating assistance is limited to new or expanded services.

2. In extending the CMAQ funds to operating assistance, the intent is to help start up viable new services which have air quality benefits and eventually will be able to cover their costs to the maximum extent possible. Other established funding sources should supplement and ultimately supplant CMAQ operating assistance. Thus, CMAQ funds must be used in combination with usual fares or user fees (or reasonable fares/fees in the absence of an established fare/fee).

3. Operating assistance under the CMAQ program is limited to 3 years, except as noted elsewhere in this guidance.

Emission Reductions: The proposal for funding must be expected to result in tangible reductions in CO and ozone precursor emissions (and under certain conditions PM–10 pollution). This can be demonstrated by the assessment of anticipated emission reductions that is required under this guidance for most projects. The FHWA and FTA strongly encourage State and local governments to use CMAQ funds for their primary purpose under the ISTEA: to assist nonattainment and maintenance areas to reduce transportation-related emissions.

Public Good: Finally, the proposal for funding should be for the good of the general public. While the transportation service may be focused on a specific area, CMAQ funds can be used for services which benefit a specific entity, such as a major employer, only for short trial periods to test the viability of the program or project. Public-private partnerships, however, are allowed if a project will benefit both the public and elements of the private sector (see Section III.A.13).

A. Previously Eligible Activities

The kinds of activities that have been, and continue to be, eligible for CMAQ funds are described below, together with any restrictions. All possible requests for funding are not covered; instead this section provides particular cases where guidance can be given and rules of thumb applied to assist decisions regarding CMAQ eligibility.

1. *Transportation Activities in an Approved SIP or Maintenance Plan:* Transportation activities in approved SIPs and maintenance plans are likely to be eligible activities and, if so, must be given the highest priority for CMAQ funding. Their air quality benefits will generally have already been documented. If not, such documentation is necessary before CMAQ funding can be approved. Further, the transportation activity must contribute to the specific emission reductions necessary to bring the area into attainment.

2. *Transportation Control Measures:* The TCMs included in Section 108(f)(1)(A) of the CAAA of 1990 are the kinds of projects intended by the ISTEA for CMAQ funding, and generally satisfy the eligibility criteria. As above, and consistent with the statute, air quality benefits for TCMs must be determined and documented before a project can be considered eligible. Two of the CAAA TCMs, however, are specifically excluded from the CMAQ program by the ISTEA legislation. They are: xii—reducing emissions from extreme cold-start conditions, and xvi—programs to encourage removal of pre-1980 vehicles. Eligible TCMs are listed below as they appear in Section 108.

(i) programs for improved public transit;

(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles (HOV);

(iii) employer-based transportation management plans, including incentives;

(iv) trip-reduction ordinances;

(v) traffic flow improvement programs that achieve emission reductions;

(vi) fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service;

(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;

(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

(x) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

(xi) programs to control extended idling of vehicles;

(xii) EXCLUDED BY ISTEA;

(xiii) employer-sponsored programs to permit flexible work schedules;

(xiv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;

(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior.

(xvi) EXCLUDED BY ISTEA.

3. *Bicycle and Pedestrian Facilities and Programs:* Bicycle and pedestrian facilities and programs are included as a TCM in Section 108 of the CAAA (ix, x, xiv, and xv above). In addition, the ISTEA makes specific mention of the eligibility of bicycle and pedestrian facilities and programs under CMAQ (*see* 23 U.S.C. 217 (a)(d)). Included as eligible projects are:

a. construction of bicycle and pedestrian facilities,

b. nonconstruction projects related to safe bicycle use, and

c. establishment and funding of State bicycle/pedestrian coordinator positions, as established in the ISTEA, for promoting and facilitating the increased use of non-motorized modes of transportation. This includes public education, promotional, and safety programs for using such facilities.

4. *Management and Monitoring Systems:* The ISTEA required that 6 management systems be developed, established, and implemented by the States (see 23 U.S.C. 303(a)). The NHS legislation now makes these management systems optional. However, 23 U.S.C. 134(i)(3) still requires that the metropolitan planning process in all Transportation Management Areas (metropolitan areas

of 200,000 or more in population) include a congestion management system. In addition, States are required to develop and implement a traffic monitoring system for highways and public transportation facilities and equipment (see 23 U.S.C. 303(b)).

Projects to develop, establish, and implement these management systems and the traffic monitoring system, whether under the provisions of 23 U.S.C. 303 or under a State's own procedures, remain eligible for CMAQ funds where it can be demonstrated that such use is likely to reduce transportation related emissions.

5. *Traffic Management/Congestion Relief Strategies:* Traffic management and congestion relief strategies in both the highway and transit fields are eligible for CMAQ funding as CAAA Section 108(f) TCMs provided that they can be shown to improve air quality. In addition to traffic signal modernization projects designed to improve traffic flow within a corridor or throughout an area like an urban central business district, intelligent transportation infrastructure (ITI) traffic management and traveler information systems can be effective in reducing traffic congestion, enhancing transit bus performance and improving air quality. A program of nine components has been identified as a framework for integrating and deploying ITI in metropolitan areas of all sizes. The following seven components of the ITI have the greatest potential for improving air quality:

a. regional multimodal traveler information center
b. traffic signal control systems
c. freeway management systems
d. transit management systems
e. incident management programs
f. electronic fare payment systems
g. electronic toll collection systems.

While interconnected traffic signal control systems and freeway management systems have been recognized for their air quality improvement benefits, other user services like electronic fare and toll collection systems can be useful in reducing or eliminating air quality ''hot spots''. Individually, these core infrastructure elements can reduce emissions and therefore qualify for CMAQ funding. However, when linked together in a system, their benefits are likely to be greater.

In recognition of the air quality benefits to be derived from the efficient and effective operation and maintenance of advance transportation management and traveler information systems, operating expenses are eligible for CMAQ funding, where:

a. they can be shown to have air quality benefits;
b. the expenses are incurred from new or additional services; and
c. previous funding mechanisms, such as fees for services, are not displaced.

The ISTEA requires that CMAQ funded projects contribute to the attainment of a national ambient air quality standard. Therefore, it must be found that these operating costs are necessary for the overall system to contribute to attainment of an ambient air quality standard. The FHWA/FTA, after consultation with EPA, is empowered to make this finding on a case by case basis. Furthermore, it is reasonable to assume that, after several years, a transportation service may no longer be considered to be an air quality improvement project, but that it has become a part of the existing transportation network. Hence, FHWA and FTA field offices are advised to use the consultation process with EPA to make a determination that operating assistance for traffic management and control will assist in the attainment of an air quality standard, particularly for proposals to extend this assistance beyond an initial 3-year period of eligibility.

6. *Transit Projects:* Improved public transit is one of the TCMs identified in Section 108 of the CAA. A wide range of capital improvements are eligible for CMAQ funding as described below. In general, CMAQ eligibility is determined on the basis of whether or not the project represents an expansion or enhancement of transit service. If the capital project is clearly a system/service expansion, it is eligible. If it is a reconstruction or rehabilitation of an existing facility, it is not eligible and the project sponsor should pursue other funding sources, such as the Section 9 formula grant program or the Surface Transportation Program. There will be ''gray'' areas; for example, a major reconstruction of an old, underutilized railroad terminal might be done in conjunction with new park-and-ride facilities and a restructuring of bus routes to enhance transit service. In such cases, the eligibility determination by FTA will focus on whether it is reasonable to expect a significant gain in ridership due to the project.

Transit facilities—Eligible capital projects include such facilities as new stations, terminals, transit centers, transit malls, intermodal transfer facilities, and preferential treatment for buses/HOVs on existing roads. Consistent with previous policy, park-and-ride facilities located adjacent to a transit stop are eligible, although in a CO or PM–10 nonattainment or maintenance area, air quality analysis may be required to demonstrate that no localized ''hot-spot'' violations will occur. Major new fixed-guideway and bus/HOV facilities and extensions to existing facilities are also eligible.

Transit vehicles and equipment—New buses, vans, locomotives and rail cars to expand the fleet and augment service are eligible. One-for-one vehicle replacements of the existing bus, rail or van fleet are eligible, although the caveat in previous guidance still applies: that is, CMAQ funding for bus replacements in PM–10 nonattainment and maintenance areas is clearly justified, whereas bus replacements in CO and ozone nonattainment and maintenance areas will provide much smaller air quality benefits with respect to the pollutants of concern. Purchase of new buses, as well as refueling infrastructure, dedicated to alternative fuels is eligible notwithstanding the conditions in Section III.A.9. Automobiles used solely by the transit agency are not eligible.

Determining the eligibility of transit-related equipment will be handled on a case-by-case basis. Major system-wide upgrades, such as advanced signal and communications systems which improve speed and/or reliability of transit service will likely be eligible, whereas in-kind replacements will not be. Again, the guideline is whether or not the equipment can reasonably be expected to enhance service and generate additional ridership.

Transit-associated development—This includes various types of retail and other services located in or very close to transit facilities. They offer convenience for the transit patron but are not required for the functioning of the system. In general, transit-associated development is not eligible under the CMAQ Program. Child-care centers located adjacent to a major transit stop have been proposed in the past as beneficial to air quality. This type of use could now be funded as an experimental pilot project.

Transit operations—Operating assistance under the CMAQ Program is limited to the introduction of *new* transit services. Examples are: shuttle service feeding a station; circulator service within an activity center; or fixed-route service linking activity centers. Minor adjustments in existing routes and service schedules do not constitute new service. The intent is to support demonstrations of new transit or paratransit service to try to tap new markets and increase transit use. Service demonstrations will usually involve buses or vans since the service should be relatively low-cost and easily

terminated if sufficient ridership is not achieved. The 3-year period of funding assistance should be long enough to assess whether the service is worth continuing with other established sources of funding. While there is no requirement that the new service be implemented in conjunction with TDM measures, project sponsors are encouraged to do this.

Operating assistance under the CMAQ program can also be used for the start-up of new major infrastructure projects, such as new rail lines or bus/HOV facilities and extensions to existing systems. However, CMAQ funds cannot replace previously committed funding from other sources to support operations, e.g., local financing plans for operations contained in Federal full-funding grant agreements for major investment projects. Under the CMAQ program, operating assistance for new transit services will be funded at an 80 percent Federal share. The Federal share applies only to the portion of operating costs not covered by fare revenue or fees for service.

In addition to operating assistance for new transit service, this guidance also allows partial, short-term subsidies of transit/paratransit fares as a means of encouraging transit use. This is subject to the conditions set out in Section III.B.7. Proposals such as reduced fare programs during periods of elevated ozone levels (so-called ''ozone alerts'') and discounted transit passes targeted at specific groups or locations may now be eligible if these conditions are met.

7. *Highway and Transit Maintenance and Reconstruction Projects:* Routine maintenance projects are ineligible for CMAQ funding. Routine maintenance and rehabilitation on existing facilities maintains the existing levels of highway and transit service, and therefore maintains existing ambient air quality levels. Thus, no progress is made toward achieving the NAAQS. Rehabilitation projects only serve to bring existing facilities back to acceptable levels of service. Other funding sources, like the STP and Section 9 formula grant programs, exist for reconstruction, rehabilitation and maintenance activities. Replacement-in-kind of track or other equipment, reconstruction of bridges, stations and other facilities, and repaving or repairing roads are ineligible.

8. *Planning and Project Development Activities:* Project planning or other development activities that lead directly to construction of facilities or new services and programs with air quality benefits, such as preliminary engineering or major investment studies for transportation/air quality projects, are eligible. This includes studies for the preparation of environmental or NEPA documents and related transportation/air quality project development activities. Project development studies would include planning directly related to a TCM or feasibility/developmental studies for any other eligible project or program. In the event that air quality monitoring is necessary to determine the air quality impacts of a proposed project, which is eligible for CMAQ funding, the costs of that monitoring are also eligible.

General planning activities, such as economic or demographic studies, that do not directly propose or support a transportation/air quality project are too far removed from project development to ensure any emission reductions and are not eligible for funding. Funding for preparation of NEPA or other environmental documents that are not related to a transportation project to improve air quality is also ineligible. Such activities should be funded with other appropriate title 23 or Federal Transit Act funds.

Region- or area-wide air quality monitoring is not eligible because such projects do not themselves yield air quality improvements nor do they lead directly to projects that would yield air quality benefits. Air quality monitoring is normally a State air quality agency responsibility which is funded under Section 105 of the Clean Air Act. If the MPO or State chooses, air quality monitoring could also be funded as a transportation planning activity and appropriate title 23 funds used. However, it should be noted that regional air quality monitoring is subject to EPA guidance on siting and quality assurance.

9. *Alternative Fuels:* In general, the conversion of *individual* conventionally-powered vehicles to alternative fuels is not eligible under the CMAQ Program. However, the conversion or replacement of centrally-fueled fleets to alternative fuels is eligible provided that the fleet is publicly owned (or leased)—such as city or State vehicle fleets—and one of the following conditions is met;

a. The fleet conversion is in response to a specific requirement in the CAAA, e.g. the clean fuel vehicle program required of ''serious'' and worse ozone nonattainment areas, or

b. The fleet conversion is specifically identified in the SIP as part of the emissions reduction strategy of a nonattainment area or in the maintenance plan for purposes of maintaining the air quality standards.

Satisfying these conditions assures that the alternative fuel conversion is aimed primarily at air quality improvement and further requires that these projects be given the highest funding priority. There is one exception—replacement of a standard size, conventionally-fueled transit bus with a new, dedicated alternative fuel vehicle is eligible under the transit provisions of this guidance and does not have to meet these requirements. Conversions of existing transit buses to alternative fuels and replacements with new dual fuel vehicles must be included in the SIP or maintenance plan to be eligible for CMAQ funding. As with all CMAQ proposals, it must be demonstrated that the proposed fleet conversion is effective in reducing the specific pollutant(s) causing the air quality violation.

The establishment of on-site fueling facilities and other infrastructure needed to fill alternative-fuel vehicles are also eligible expenses under the above conditions. This means that the vehicles and facility must be publicly owned (or leased) and that the use of alternative-fuel vehicles must be either required under the CAAA or in the SIP or maintenance plan, with one exception. If private filling stations, that are reasonably accessible and convenient, exist to fuel the alternative-fuel vehicles, then CMAQ funds may not be used to fund publicly-owned fueling stations. Such an activity would interfere with private enterprise, and needlessly use transportation/air quality funds for services duplicated in the area.

10. *Telecommuting:* The DOT supports the establishment of telecommuting programs. Planning, technical and feasibility studies, training, coordination and promotion are eligible activities under CMAQ. Physical establishment of telecommuting centers, computer and office equipment purchases and related activities are not eligible. Such activities are not typically transportation projects and funding them would not meet the requirements in the ISTEA.

11. *Travel Demand Management:* Travel demand management encompasses a diverse set of activities ranging from traditional carpool and vanpool programs to more innovative parking management and road pricing measures. Many of these measures are specifically referenced in the legislation creating the CMAQ program. Travel demand management projects meeting the basic eligibility requirements of the Federal Highway and Transit programs have always been eligible for CMAQ funding. Eligible activities include: market research and planning in support of TDM implementation; capital

expenses required to implement TDM measures; operating assistance to administer and manage TDM programs for up to 3 years; as well as marketing and public education efforts to support and bolster TDM measures (see also Sections III.B.1–3).

Experience to date suggests that new transportation service has the greatest chance of success if offered along with complementary measures which discourage single-occupant vehicle use, such as parking restrictions or differential parking fees. Several provisions in ISTEA require metropolitan areas to consider TDM measures in the planning process and this guidance seeks to encourage their development and implementation.

12. *Intermodal Freight:* The CMAQ funds have been, and may continue to be, used for improved intermodal freight facilities where air quality benefits can be shown. Capital improvements as well as operating assistance meeting the conditions of this guidance are eligible. In that many intermodal freight facilities include private sector businesses, several of the proposals that have been funded have been under public-private partnerships.

13. *Public/Private Initiatives:* The CMAQ program may be used to fund projects or programs that are owned, operated or under the primary control of the public sector, including public/private joint ventures. A State may use CMAQ funds for initiatives that are privately owned and/or operated, including efforts developed and implemented by Transportation Management Associations, as long as the activity is one which: (1) normally is a public sector responsibility (such as facility development for enhanced I/M programs), (2) private ownership or operation is shown to be cost-effective, and (3) the State is responsible for protecting the public interest and public investment inherent in the use of Federal funds. Activities which are the mandated responsibility of the private sector under the Clean Air Act, such as vapor recovery systems at gas stations, are not eligible. Implementation of employer trip reduction programs is also a private responsibility, but general program assistance to employers to help them plan and promote these programs is eligible. Further assistance to support trip reduction programs in the form of new public transportation services is also eligible as outlined in Section III.A.6.

14. *Other Eligible Transportation Projects and Programs:* Other transportation projects and programs, even if they are not included under one of the categories above may also be funded under CMAQ. Innovative activities based on promising technologies and feasible approaches to improve air quality will also be considered for funding. This would include such ventures as new efforts to identify and curtail the emissions of gross emitters, planning and development of parking management programs, and preferential treatment for high- occupancy vehicles. Like all proposals, the State must provide documentation of air quality benefits, and FTA/FHWA, in consultation with EPA, must be satisfied that the project or program will help attain a NAAQS.

15. *Limitation on Construction of Single-Occupant Vehicle Capacity:* Construction projects which will add new capacity for single-occupant vehicles are not eligible under this program unless the project consists of a HOV facility that is only available to single-occupant vehicles (SOV) at off-peak travel times. For purposes of this program, construction of added capacity for single-occupant vehicles means the addition of general purpose through lanes to an existing facility, which are not HOV lanes, or a highway on new location.

B. Newly Eligible Activities

1. *Outreach Activities:* Outreach activities, such as public education on transportation and air quality, advertising of transportation alternatives to SOV travel, and technical assistance to employers or other outreach activities for Employee Commute Option program implementation have been, and continue to be, eligible for CMAQ funds. The previous policy allowing up to 2 years of CMAQ funding for these activities has been changed. Now, outreach activities may be funded under the CMAQ program for an indefinite period.

Outreach activities differ fundamentally from the establishment of transportation services. They are communication services that are critical to successful implementation of transportation measures, especially demand management measures. As such, they reach new audiences each time they are implemented, and the restriction on the length of time they may be funded seems contrary to one of the program's goals of effecting behavioral changes to reduce transportation emissions. Outreach activities may be employed for a wide variety of transportation services. They may equally affect new and existing transit, shared ride, I/M, traffic management and control, bicycle and pedestrian, and other transportation services.

Marketing programs to increase use of transportation alternatives to SOV travel and public education campaigns involving the linkage between transportation and air quality are eligible operating expenses. Transit ''stores'' selling fare media and dispensing route and schedule information which occupy leased space are also eligible. These activities are not subject to the 3-year limit.

Based on information from the 1994 program review, there appears to be a great need to educate the public on the impacts of their travel behavior. States and MPOs are encouraged to give due consideration to outreach activities in the programming of their CMAQ apportionments.

2. *Rideshare Programs:* Previous guidance restricted eligibility to the implementation of new or expanded services. Rideshare services consist of carpool and vanpool programs, and important activities of these programs are computer matching of individuals seeking to carpool and employer outreach to establish rideshare programs and meet Clean Air Act requirements. These are outreach activities even if they are part of an existing rideshare program and are now eligible for CMAQ funding under the same rationale as above.

New or expanded rideshare programs, such as new locations for matching services, upgrades for computer matching software, etc. continue to be eligible and may be funded for an indefinite period of time.

Many expenses related to vanpooling are different from the above activities, and a distinction needs to be drawn from the above policy. Unlike carpool matching services the implementation of a vanpool operation entails purchasing vehicles and providing a transportation service. These activities are not communication services and not different from other transportation services. Therefore, proposals for vanpool activities such as these must be for new or expanded service to be eligible and are subject to the 3-year limitation on operating costs.

Under the CMAQ program, the purchase price of a publicly-owned vehicle for a vanpool service does not have to be paid back to the Federal Government. Requiring payback would place an additional constraint to wider implementation and usage of rideshare programs. Nonetheless, CMAQ funds should not be used to develop vanpool services that would be in direct competition with and impede private sector initiatives. Consistent with the metropolitan planning regulation of October 28, 1993 (23 CFR 450.300),

States and MPOs should consult with the private sector prior to using CMAQ funds to purchase vans, and if local private firms have definite plans to provide adequate vanpool service, CMAQ funds should not be used to supplant that service.

3. *Establishing/Contracting with TMAs:* Transportation Management Associations (TMAs) are comprised of private individuals or firms who organize to address the transportation issues in their immediate locale. Previous guidance allowed the funding of transportation projects generated by TMAs if air quality benefits were demonstrated but did not allow funding for the TMA itself. This guidance now allows the use of CMAQ funds for the establishment of TMAs. Eligible expenses for reimbursement are associated start-up costs for up to 3 years. As with previous guidance, the TMA must still be sponsored by a public agency, and the State (or other public agency) is still ultimately responsible for ensuring that funds are appropriately used to meet CMAQ program objectives.

During the program review, representatives from several States felt that existing policy prevented them from contracting with TMAs to provide services and develop projects that have air quality benefits. The TMAs can play a useful role in brokering transportation services to private employers, and this guidance clarifies that CMAQ funds may be used to contract with TMAs for this purpose, including coordinating rideshare programs, providing shuttle services, developing parking management programs, etc. Sufficient care must be taken to specify the goals and deliverables before granting the use of CMAQ funds for this activity.

4. *Maintenance Areas:* Under the NHS legislation, CMAQ funds may now be obligated for projects in maintenance areas, thereby lifting the 2-year limitation contained in the previous program guidance of July 13, 1995. CMAQ funds may be used to reduce transportation-related emissions in maintenance areas as well as nonattainment areas within a State with no time limit. CMAQ funds cannot be used for projects in areas designated as ''transitional,'' ''submarginal,'' or ''incomplete data'' nonattainment areas for ozone or in ''not classified'' nonattainment areas for carbon monoxide.

If a State has a maintenance area and no nonattainment areas, the air quality needs of the maintenance area should be given first priority. Since the existence of maintenance areas was taken into account when the NHS legislation froze the distribution factors at FY 1994 levels, it is clear that the intent of the change was to continue to provide funding for projects which reduce transportation emissions. Before using CMAQ funds elsewhere, a State must show that the maintenance area status is not endangered by the shift of funds. This can be done by demonstrating to FHWA, FTA, and EPA that the decision was made in consultation with the affected MPO along with an examination of the maintenance plan for CMAQ needs. A State could make a case for ''continued maintenance of the standard,'' for example, if it can be shown that any transportation activities contained in the maintenance plan have sufficient funding commitments to carry out such activities without the use of CMAQ funds.

5. *Expansion of I/M Eligibility:* Emission I/M programs show strong potential for improving air quality and related activities are cost-effective uses of CMAQ funds. Recognizing this, FHWA/FTA's previous policy indicated that construction of facilities and purchase of equipment for I/M stations in test-only networks were eligible. Projects necessary for the development of these I/M programs and one-time start-up activities, such as updating quality assurance software or developing a mechanic training curriculum, were also described as eligible activities. Operating expenses were also determined to be eligible for CMAQ funding subject to the general conditions applying to all new transportation services. Specifically, the I/M program must constitute new or additional efforts; existing funding (including inspection fees) should not be displaced, and operating expenses were only eligible for 2, now expanded to 3 years.

When implemented, the policy to allow expenditures for the establishment of I/M programs was in line with EPA's rationale that test-only I/M programs are the most effective way to realize emission reductions. Hence the policy was restricted to test-only I/M programs. Since that time, EPA has allowed some I/M programs to go forward that include elements of test-and-repair, provided that the overall estimated emission reductions necessary to meet the State's targets are still met. Thus, the CMAQ policy regarding I/M is now similarly revised.

Funds under the CMAQ program may be used for the establishment of I/M programs at publicly-owned I/M facilities. This is true whether the I/M program is test-only or test-and-repair. Publicly-owned I/M facilities may be constructed, equipment may be purchased, and the facility operated for up to 3 years with CMAQ funds, provided that the conditions covering operations described above are met.

The establishment of I/M programs at privately-owned stations, such as service stations that conduct emission test-and-repair services, can only be funded under the CMAQ program under the provisions covering ''public-private partnerships'' contained in this guidance. However, if the State relies on private stations, State or local administrative costs for the planning and promotion of the State's I/M program—whether test-only or test-and-repair, or both—may be funded under the CMAQ program.

The establishment of ''portable'' I/M programs is also eligible under the CMAQ program, provided that they are public services, contribute to emission reductions and do not conflict with statutory I/M requirements or EPA implementing regulations. These programs must be included in the area's TIP before they can be funded.

6. *Experimental Pilot Projects/ Innovative Financing:* States and local areas have long experimented with various types of transportation services—and different means of employing them—in an effort to better meet the travel needs of their constituents. These ''experimental'' projects may not meet the precise eligibility criteria for Federal and State funding programs, but they may show promise in meeting the intended public purpose of those programs in an innovative way. The FHWA and FTA have supported this approach in the past and funded some of these projects as demonstrations to determine what the benefits and costs actually are.

The CMAQ provisions of ISTEA allow experimentation provided that the project or program can reasonably be defined as a ''transportation'' project and that emission reductions can reasonably be expected ''through reductions in vehicle miles traveled, fuel consumption or through other factors.'' This is in addition to the broad flexibility allowed under the ISTEA to fund a wide variety of projects. A more flexible approach makes particular sense given the magnitude of the air quality problem in the most severe nonattainment areas in the country and the lack of substantial emission reductions gained from traditional transportation projects and programs.

This guidance encourages States and MPOs to creatively address their transportation/air quality problems and to experiment with new services, imaginative financing arrangements, public/private partnerships and

complementary approaches that constitute comprehensive strategies to reduce emissions through transportation programs. The CMAQ program can now be used to support a well conceived project even if the proposal may not otherwise meet the eligibility criteria of this guidance. Proposals submitted for funding under this provision should show promise in reducing transportation emissions and should have the concurrence of FHWA/FTA and State transportation agencies, and the MPO. The proposal must also be coordinated with EPA and State/local air quality agencies. A particular example that might be funded under this approach could be to use CMAQ funds for capital improvements to transit stations for the establishment of day care centers.

Certain projects may not be funded under the CMAQ program under any circumstances. Activities which are legislatively prohibited, including scrappage programs, programs to reduce emissions from extreme cold start conditions, and highway capacity expansion projects, may not be funded under the CMAQ program, despite the enhanced flexibility under this policy. Similarly, rehabilitation and maintenance activities as described in Section III.A.7 of this guidance show no potential to make further progress in achieving the air quality standards and may not be funded under the CMAQ program even under this provision. Program funds may also not be used for projects which are outside of nonattainment or maintenance area boundaries (in States with nonattainment and/or maintenance areas (see also Section III.B.4)) except in cases where the project is located in close proximity to the nonattainment or maintenance area and the benefits will be realized primarily within the nonattainment or maintenance area boundaries. Finally, projects not meeting the specific eligibility requirements under titles 23 or 49 may also not be funded under this provision.

There is risk in employing this approach, and States and MPOs should do so cautiously. While the CMAQ provisions of ISTEA were written broadly to encourage an innovative approach, the principles of sound program management must still be followed. Under this approach, there will likely be proposals for funding with which transportation agencies have little experience. As such, before-and-after studies are required to determine the actual project impacts on the transportation network (measured in VMT or trips reduced, or other appropriate measure) and on air quality (emissions reduced). An assessment of the project's benefits should be forwarded to FHWA or FTA documenting the immediate impacts as well as a projection of what the project's long-term benefits will be.

All projects funded under this section should be explicitly identified in the annual report of CMAQ activities as required under Section V.B of this guidance. In future years, when before-and-after studies are complete, a summary of the actual project benefits should also be included in the annual report.

Finally, it is appropriate to place limits on the amount of CMAQ funds given the speculative nature of these proposals. As such, the amount obligated for proposals made pursuant to this section should not exceed 25 percent of a State's yearly CMAQ apportionment.

Another way that States and local agencies are encouraged to experiment is through the FHWA's or FTA's Innovative Financing Programs which can employ CMAQ funding. These programs allow FHWA and FTA greater latitude to use Federal transportation funds to set up revolving loan programs, employ creative approaches in meeting State or local match requirements, and other financial matters. Many innovative financing tools were adopted statutorily in the NHS legislation and now may be used in any title 23 program, including CMAQ:

a. Expanded use of bonds and other forms of debt management, including eligibility of bond interest and other bond costs for Federal reimbursement;

b. Allowing privately donated funds, materials and services to constitute the required State and local match on Federal projects; and

c. Use of Federal funds as loans to revenue-generating facilities.

The NHS legislation allows States to receive matching credit for donations of privately donated funds, materials and services on a specific Federal-aid project. Before this change, States could only receive credit for State and local funds, and the value of privately donated right-of-way used as the local match. Now, however, any donated funds, or the fair market value of any privately donated materials or services that are accepted and incorporated into a CMAQ project or program by the State, are credited to the match requirements on that CMAQ project or program.

As a particular example of how the loan provision under the Innovative Financing program might be used in connection with CMAQ funding, a proposal has already been approved to construct an intermodal freight facility using CMAQ funds, in part, as a loan which will be paid back to the State from user fees. As the loan is repaid, the revenues will be used for transportation purposes. Similarly, there have also been inquiries about the use of CMAQ funds to convert privately-owned diesel trucks to alternative fuels, thus substantially reducing oxides of nitrogen (NOx) and PM–10 emissions. While this proposal would not be eligible under usual circumstances, a feasible approach could be developed to use CMAQ funds for the incremental cost of converting or replacing the diesel engines as a loan to private truck owners. Such a program would have to be fairly administered under direct State supervision and be open to all owners located in nonattainment and maintenance areas who are interested in participating.

In addition to the statutorily-adopted innovative financing tools, FHWA continues to solicit proposals from States for other flexible ways to finance projects, including CMAQ projects. Under ''Test and Evaluation'' authority in ISTEA, FHWA can approve new and innovative concepts for moving projects forward which otherwise might not be permitted under title 23. States should contact their FHWA Division or FTA Regional offices to discuss any proposals of this nature.

7. *Fare/Fee Subsidy Programs:* Previous guidance allowed short-term operating assistance to support the initiation of new transportation services but did not allow demand-side incentives, such as fare or fee subsidies as a means of reducing transportation emissions. Now, the CMAQ program is being expanded to allow funding for partial user fare or fee subsidies in order to encourage greater use of alternative travel modes (e.g. carpool, vanpool, transit, bicycling and walking). This more expansive policy has been established to encourage areas to take a more comprehensive approach—including both supply and demand measures—in reducing transportation emissions.

The CMAQ funds can be used to subsidize fares or fees if the reduced fare/fee is offered as a component of a comprehensive, targeted program to reduce SOV use. Other components of such a program would include public information and marketing of non-SOV alternatives, parking management measures, and better coordination of existing transportation services. The intent of this policy is to focus on situations where alternate transportation modes are viable, but nonetheless, heavy reliance on single-occupant

vehicles exists, such as at major employment or activity centers.

Examples of how the fare/fee subsidy might be used include: a discounted transit fare program developed through a cooperative arrangement between a transit operator and a major employer; a program subsidizing empty seats during the formation of a new vanpool; reduced fares for shuttle services within a defined area, such as a flat-fare taxi program; or providing financial incentives for carpooling, bicycling and walking in conjunction with a demand management program.

An underlying tenet of this provision is to support experimentation but always with the goal of identifying projects which are viable without the short-term funding assistance provided by the CMAQ program. Thus, the subsidy must be used in conjunction with reasonable fares or fees to allow the greatest chance of holding on to ''trial'' users. While the fare/fee subsidy program itself is not limited in time, specific groups or locales targeted under the program must be rotated and the subsidized fare/fee must be limited to any one entity or location for a period not to exceed 2 years.

The CMAQ program was never envisioned as a source of long-term support for transportation operations. However, FHWA and FTA believe this new policy is highly supportive of implementing and evaluating the effectiveness of a variety of demand management measures.

IV. CMAQ Programming Priorities

The Clean Air Act requires that FHWA and FTA give priority to the implementation of transportation portions of applicable SIPs, and TCMs from applicable SIPs are provided the highest priority for funding under the CMAQ Program. The SIPs and the control measures they contain are necessary to assist a State to attain and maintain the NAAQS. If States are failing to implement TCMs in approved SIPs, adverse consequences can ensue. A basic criterion for making conformity determinations is the timely implementation of TCMs in the SIP, and conformity determinations are necessary before transportation plans, programs, or projects can be adopted and approved. If States fail to give priority to such TCMs, their conformity determinations and transportation initiatives will be in jeopardy. In addition, failing to implement TCMs is also the basis for application by EPA of the Clean Air Act's highway funding sanctions. Under certain circumstances, sanctions may be expanded even beyond the nonattainment area to cover an entire State. Once CMAQ projects and programs are identified, States need to insure that sufficient obligation authority is reserved to implement these projects and programs so that nonattainment areas make progress toward attainment of the NAAQS. While the continuation of CMAQ funds into the maintenance period under NHS legislation now makes it possible to look at longer term strategies, States and MPOs are still encouraged to consider and give priority to strategies that would help them meet their attainment deadlines.

States and MPOs should make strategic use of the CMAQ funds allotted to them even if they will not be used for TCMs in their SIPs. Limited resources and the low levels of effectiveness in reducing emissions through transportation measures that have been the experience to date argue for maximizing the impact of Federal, State and local expenditures to improve air quality. The FHWA and FTA continue to recommend that States and MPOs put together their transportation/air quality programs using complementary measures that simultaneously provide alternatives to SOV travel while reducing demand through pricing, parking management, regulatory or other means.

V. Program Requirements

Proposals for CMAQ funding should include a precise description of the project, providing information on the project's size, scope and timetable. Also, an assessment of the proposal's expected emission reductions in accordance with the provisions described below is required. States are also required to submit annual reports detailing the obligations made under the CMAQ program during the previous fiscal year.

A. Air Quality Analysis

1. Quantitative Analyses: Quantitative assessments of how the proposal is expected to reduce emissions is extremely important to assist areas in developing and funding the most effective projects in nonattainment and maintenance areas. They also provide an objective basis for comparing the costs and benefits of competing proposals for CMAQ funding. In that States are required to submit annual reports, analysis of air quality benefits for individual project proposals will assist their preparation, as well. It is particularly important to assess the benefits of projects that improve or increase basic transportation services, including transit, traffic flow improvements, ridesharing, and bicycle and pedestrian improvements, and quantified emission reductions are expected for these projects. Similarly, analyses are expected for conversions to alternative fuels and I/M programs, as well.

Decisions regarding the level and type of air quality analysis needed, as well as the credibility of its results, are left to FTA and FHWA field staff, in consultation with EPA. Across the country, State and local transportation/air quality agencies have different approaches, analytical capabilities and technical expertise with respect to such analysis. At the national level, it is not feasible to specify a single method of analysis applicable in all cases. While no single method is specified, every effort must be taken to ensure that determinations of air quality benefits are credible and based on a reproducible and logical analytical procedure that will yield quantitative results of emission reductions. Of course, if an air quality analysis has been done for other reasons, it may also be used for this purpose.

2. *Qualitative Assessments:* Although quantitative analysis of air quality impacts is required whenever possible, some improvements may not lend themselves to rigorous quantitative analysis because of the project's characteristics or because practical experience is lacking to adequately analyze the project. In these cases, a qualitative assessment based on a reasoned and logical examination of how the project or program will decrease emissions and contribute to attainment of a NAAQS is appropriate and acceptable.

Public education, marketing and other outreach efforts fall into this category. The primary benefit of these activities is enhanced communication and outreach that is expected to influence travel behavior, and thus, air quality. Yet tracing the benefits to air quality through the intervening steps requires a multi-disciplinary approach that incorporates market research analysis which is often beyond many transportation and air quality agencies' area of expertise. As such, these projects which can include advertising alternatives to SOV travel, employer outreach, public education campaigns, and communications or outreach to the public during ''ozone alerts,'' or similar programs do not require a quantitative analysis of air quality benefits.

3. *Analyzing Groups of Projects:* In many situations, it may be more appropriate to examine the impacts of more comprehensive strategies to improve air quality by grouping TCMs. A strategy to reduce reliance on single-

occupant vehicles in a travel corridor, for example, could include transit improvements coupled with demand management. The benefits of such a strategy should be evaluated together rather than as separate projects. Transit improvements, ridesharing programs or other TCMs affecting an entire region may be best analyzed in this fashion.

B. Annual Reports

To assist in meeting statutory obligations, States are required to prepare annual reports for FHWA, FTA, and the general public that specify how CMAQ funds have been spent and what the air quality benefits are expected to be. Annual reporting makes the States and local agencies accountable to the general public. Also, the annual report enables FHWA and FTA to be responsive to the Congress on the utilization of the funds and their impact.

This report should be provided by the first day of February following the end of the previous Federal fiscal year (September 30) and cover all CMAQ obligations for that fiscal year. The report should include;

1. A list of projects funded under CMAQ, best categorized by one of the following seven project types;

a. experimental pilot projects.

b. transit: facilities; vehicles and equipment; operating assistance for new transit service, etc.

c. shared-ride: vanpool and carpool programs, and parking for shared-ride services, etc.

d. traffic flow improvements: traffic management and control services, signalization projects, intersection improvements, and construction or dedication of HOV lanes, etc.

e. demand management: trip reduction programs, transportation management plans, flexible work schedule programs, vehicle restriction programs, etc.

f. pedestrian/bicycle: bikeways, storage facilities, promotional activities, etc.

g. I/M and other TCMs (not covered by the above categories).

Project planning and other developmental activities, as well as public education, marketing and other outreach efforts which are eligible under the CMAQ program should be categorized the same way as the project or program they support.

2. The amount of CMAQ funds obligated for the year, disaggregated by the type of project listed above; and

3. A tabulation of the estimated air quality benefits for the year summed from project-level analyses and expressed as reductions of ozone precursors (volatile organic compounds and NO_X, CO, or PM–10. These reductions should be expressed as kilograms per day removed from the atmosphere. This information will be important in monitoring and reporting to Congress on CMAQ program effectiveness.

Note that the annual report should now specifically include and identify any projects funded under the Experimental Pilot Projects/Innovative Financing provision of this guidance (see Section III.B.6). Summaries of before-and-after studies should be included as they become available.

VI. Federal, State and MPO Responsibilities

A. Federal Agency Responsibilities/ Coordination

As noted in previous guidance, the FTA and FHWA regional offices should establish a consultation and coordination process with their respective EPA regional offices for early review of CMAQ funding proposals. Review by EPA is critical to assist the determination of whether a project will have air quality benefits and to assure that the most effective projects and programs are approved for CMAQ funding. Proposals for funding should be forwarded to EPA as soon as possible to insure timely review.

Either the local FTA or FHWA office will be responsible for project management. In cases where the project is clearly related to transit, FTA will determine the project's eligibility and manage the project. Similarly, traffic flow improvements that improve air quality through operational improvements of the road system would be managed by FHWA. For projects that include both traffic flow and transit elements, such as park-and-ride lots and intermodal projects, the managing agency will be decided on a case-by-case basis. Following initial review by the managing agency and consultation with EPA, the managing agency makes the final determination on whether the project or program is likely to contribute to attainment of a NAAQS and is eligible for CMAQ funding.

The consultation process should provide for timely review and handling of CMAQ funding proposals considering the tight attainment deadlines facing many areas. A project category list should be developed for expedited funding under CMAQ without further review by the other agencies. As EPA will evaluate all TCMs in an approved SIP, they can be included on such a list. It is strongly recommended that the FHWA, FTA and EPA regional offices develop and implement a memorandum of understanding that specifies which projects can go forward without further coordination. It should also include deadlines for review beyond which it will be assumed that the review agencies have no comments on the proposal. For Federal agency review of individual proposals, that consultation period should be approximately 2 weeks. For review of multiple proposals, such as a draft TIP, Federal review should be completed as expeditiously as possible so that the response time by Federal Agencies to CMAQ funding proposals is generally limited to about 1 month.

B. State and MPO Responsibilities

Decisions over which projects and programs to fund under CMAQ should be made through a cooperative process involving the State departments of transportation, affected MPOs, and State and local air quality agencies. This process serves to develop a pool of potential CMAQ projects to be considered for funding in a State's nonattainment and maintenance areas. The programming of CMAQ projects should follow the procedures for TIP development noted below.

Projects to be funded with CMAQ funds must be included in the TIPs that are developed by the MPOs in cooperation with the State and transit operators. Under the metropolitan planning regulations of October 28, 1993 (23 CFR 450.300), TIPs must contain a priority list of projects to be carried out in the 3-year period following adoption. As a minimum, projects must be grouped by year and proposed funding source. For projects targeting CMAQ funds, priority in the TIP should be based on the projects' estimated air quality benefits.

Since the TIPs must be consistent with available funding, it is important that the State advise the MPOs of its proposed approach to utilize CMAQ funds in a timely manner. Once CMAQ projects are included in a TIP (approved by the MPO and the Governor), and included in a FHWA/FTA-approved statewide TIP, those projects in the first year may be implemented. Projects in the second or third year of the TIP could be advanced for implementation using the specified project selection procedures in the planning regulation.

It is the State's responsibility to manage its obligation authority made pursuant to title 23 to ensure that CMAQ (and other Federal-aid) funds are obligated in a timely fashion and do not lapse. Other provisions affecting the overall Federal-aid program, such as

advance construction authority, apply to the CMAQ program as well.

Close coordination is needed between the State and MPO to assure that CMAQ funds are used appropriately and to maximize their effectiveness in meeting the Clean Air Act requirements. States and MPOs must fulfill this responsibility so that nonattainment areas are able to make good-faith efforts to attain the NAAQS by the prescribed deadlines. State and MPO actions should include consultation with air quality agencies at the State and local levels to develop an appropriate project list of CMAQ programming priorities which will have the greatest impact on air quality.

C. Apportionments and State Suballocation

According to the ISTEA legislation, CMAQ funds are apportioned to the States primarily based on the severity of their ozone pollution and the number of people affected by it. Each State is guaranteed a minimum of 0.5 percent of the total yearly apportionment even if it has no nonattainment areas.

Under the CMAQ Program as amended by the NHS legislation, States which have ozone nonattainment areas that are classified as ''marginal'' or worse during any part of FY 1994 (October 1, 1993—September 30, 1994) are apportioned funds based on the population in these areas and the severity of the ozone problem at that time. If the ozone nonattainment area was also a CO nonattainment area classified as ''moderate'' or worse during FY 1994, the State is apportioned additional CMAQ funds. If a State contains a CO nonattainment area that was not a nonattainment area for ozone as well, no additional funds are apportioned to the State. Areas redesignated to attainment status before FY 1994 would not be included in the apportionment factors. Changes to nonattainment classifications (from marginal to moderate for example) occurring during FY 1994 would affect the distribution. Any changes occurring before or after FY 1994 will have no effect on the distribution of CMAQ funds for FY 1996 or FY 1997.

The CMAQ funds can be used in all areas designated as nonattainment under Section 107(d) of the Clean Air Act, including any areas later redesignated as maintenance areas. CMAQ funds cannot be used for projects in areas designated as ''transitional,'' ''submarginal,'' or ''incomplete data'' nonattainment areas for ozone or in ''not classified'' nonattainment areas for carbon monoxide.

Despite the statutory formula for determining the apportionment amount, the State can use its CMAQ funds in any ozone, CO or PM–10 (under certain conditions) nonattainment or maintenance area. It is under no statutory obligation to suballocate CMAQ funds in the same way as they were apportioned. States may retain funds for use in specific nonattainment or maintenance areas or fund CMAQ projects on a case-by-case basis. However, it is clear from the program review that there must be a collaborative process between the State and MPOs in nonattainment and maintenance areas for selecting projects to maximize emission reductions. Thus, States are strongly encouraged to consult with affected MPOs to determine CMAQ priorities and allocate funds accordingly.

The Federal share for most eligible activities and projects is 80 percent or 90 percent if used on certain activities on the Interstate System. Under certain conditions (including sliding scale rates), the Federal share under title 23 can even be higher. Certain activities identified in Section 120(c) of title 23, including traffic control signalization, and commuter carpooling and vanpooling, may be funded at 100 percent Federal share if they meet the conditions of that section. Pedestrian and bicycle projects and programs previously limited to an 80 percent Federal share, without the use of sliding scale rates, are now treated exactly the same as general Federal-aid projects (i.e. the Federal share payable on pedestrian and bicycle projects now includes the sliding scale rates) as a result of the NHS legislation. The NHS legislation also makes it easier for States to receive matching credit for donations of privately donated funds, materials, and services on a specific Federal-aid project (see Section III.B.6)

VII. States That Are in Attainment

States that do not have any ozone or CO nonattainment areas may use their funds for any eligible projects under the STP or the CMAQ program. If a State has a maintenance area and no nonattainment areas, the air quality needs of the maintenance area should be given first priority (see Section III.B.4). States with PM–10 areas only are encouraged to use CMAQ funds for projects and programs that contribute to reduction of PM–10 emissions. This priority should be given only if mobile sources are considered significant contributors to such nonattainment.

States that are in attainment or achieve attainment of transportation-related NAAQS, are further encouraged to give priority to the use of CMAQ program funds for the development of congestion management systems, public transportation facilities and equipment, and intermodal facilities and systems, as well as the implementation of projects and programs produced by those systems.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Rodney E. Slater,

Federal Highway Administrator.

Gordon J. Linton,

Federal Transit Administrator.

Dated: September 20, 1996.

[FR Doc. 96–24793 Filed 9–26–96; 8:45 am]

BILLING CODE 4910–22–P

Research and Special Programs Administration

[Docket No. P–96–8W; Notice 2]

CNG Transmission Corporation; Grant of Waiver

ACTION: Notice of grant of waiver.

Summary

The Research and Special Programs Administration (RSPA) waives specified operations regulations to permit CNG Transmission Corporation (CNGT) to requalify the maximum allowable operating pressure (MAOP) of ten line segments by a combination of hydrostatic testing of certain segments and internal inspection(s) of the 26-inch diameter gas transmission line. The need for requalification of the MAOP results from a recent increase in population density that has caused the hoop stress corresponding to the established MAOP to be incommensurate with the present class locations. The 26-inch diameter portion of transmission line TL–400 is located in central Ohio and the affected line segments (totaling 10.91 miles) are spread throughout the 163.19 mile length.

Background

By a letter dated April 23, 1996, and supplemented by correspondence dated May 2 and May 14, 1996, (cumulatively referred to as the ''petition''), CNGT petitioned RSPA for a waiver from compliance with the requirements of 49 CFR 192.611(a) that require confirmation of the MAOP of the affected segments by hydrostatic testing. Instead, CNGT proposed an alternative approach involving: a close interval pipe-to-soil corrosion survey; certain hydrostatic testing; and the internal inspection(s) of the entire 26-inch diameter transmission line with a geometry pig followed by an

instrumented internal inspection device commonly known as a ''smart pig''. Also, CNGT requested (if needed) the extension of the 18-month period for hydrostatic testing contained in § 192.611(c), from October 19, 1996, to June 30, 1997.

Alternative Approach

Rather than hydrostatically testing all ten affected segments, CNGT requested a waiver permitting an alternative approach which they believed would achieve both an equivalent level of safety in the affected segments and internal inspection(s) that would evaluate the 163.19 mile transmission line. Because of its knowledge of the good physical condition of this line as presented in Notice 1 (described below), CNGT expected that its implementation of the provisions of Alternative A would be less costly and would reduce the number of days that the gas transmission line would be out of service. Nonetheless, CNGT understood that if the physical condition of the line was found to be less than anticipated, its implementation of the provisions of Alternate B would be more costly than total compliance with the hydrostatic testing requirements of 49 CFR 192.611(a). To provide clarity and continuity, the provisions of Alternative A and Alternative B are set out as they appeared in Notice 1:

Alternative A consists of the following:

(A) Conducting a close interval pipe-to-soil corrosion survey (CIS) of the 163.19 mile line;

(A2) Hydrostatic testing four segments (totaling 4.96 miles). If no leak occurs, or only a specified minor leak [1] occurs and is remediated, the hydrostatic testing is completed;

(A3) Inspecting the 163.19 mile line with a geometry pig followed by a high resolution ''smart pig.'' Any defects impacting the MAOP are promptly remediated. All defects detected by the ''smart pig'' are cross-referenced with the CIS to correct any deficiencies in the cathodic protection system, all before October 19, 1996; and

(A4) Inspecting the 163.19 mile line with a geometry pig followed by a high resolution ''smart pig'' remediation of any defects impacting the MAOP, all in the year 2001.

Alternative B would be performed only if, during the implementation of (A2), a leak other than a specified minor leak [2] occurs. Alternative B consists of the following:

(B1) If a leak, other than a specified minor leak occurs during (A2) and is remediated, the hydrostatic testing of the four segments is completed;

(B2) Inspecting the 163.19 mile line with a geometry pig following by a high resolution ''smart pig.'' Any defects impacting the MAOP are promptly remediated. All before October 19, 1996; and

(B3) The period to qualify the MAOP is extended until (B3) is completed. All defects detected by the ''smart pig'' are cross-referenced with the CIS to correct any deficiencies in the cathodic protection system. Hydrostatic testing and remediation of any leaks occurring in the remaining six segments (totaling 5.95 miles), all before June 30, 1997.

Basis for the Alternative Approach

CNGT's proposed alternative approach is based on their contention that this transmission line is in good physical condition. In its petition (and set out under this same heading in Notice 1), CNGT supported that assertion by providing comprehensive information on the transmission line's construction, operation, and maintenance history.

Furthermore, CNGT expressed confidence in the good physical condition of this 26-inch diameter line by agreeing to the potential consequences (during the implementation of Alternative A) of any leak other than a specified minor leak during the hydrostatic testing of (A2); because, such a leak would trigger the need to implement the more costly and time consuming Alternative B. In such a case, under the provisions of (B1) and (B3), CNGT would hydrostatically test all ten segments as required by § 192.611(a). Moreover, under (B2), they would inspect the 163.19 mile transmission line with a geometry pig and with a high resolution ''smart pig.''

RSPA Review

Our review of the petition showed the following:

(1) CNGT's contention that this 26-inch diameter transmission line is in good physical condition was well supported with information on the submerged-arc welded pipe, internal and external coatings, cathodic protection, and (apart from one third party dig-in) the transmission line's outstanding leak free record;

(2) During the period 1990 through 1996, the MAOP of six such segments in this line were requalified by hydrostatic testing without a leak or failure;

(3) The requirements of § 192.611(a) for requalification would be only partially waived during (A2), because four of the ten segments (representing 4.96 miles or a 45.46% sampling of the total 10.91 miles) would be hydrostatically tested;

(4) If a leak, other than a specified minor leak occurs during the hydrostatic testing of (A2), then under (B1) the leak is remediated and under (B3) the remaining six segments would be hydrostatically tested before June 30, 1997. This would (with the extension of the 18-month period in § 192.611(c)) result in total compliance with § 192.611(a). Additionally, during (B2) there would be an internal inspection of the 163.19 mile transmission line during 1996;

(5) If no leak occurred, or only a specified minor leak occurred, under (A3) the complete transmission line would be internally inspected during 1996 and under (A4) internally inspected again during the year 2001;

(6) The implementation of either (A3) or (B2), the ''smart pig'' inspection in 1996, would be the first time the 26-inch diameter line has been inspected by a ''smart pig.'' A ''smart pig'' is capable of detecting certain flaws in the pipe wall that (when interpreted) may disclose defects that jeopardize the safe operation of the gas transmission line . CNGT would run a ''smart pig'' of the high resolution type, which is considered to be state-of-the-art technology for the identification of pipe wall defects;

(7) Defects detected by the ''smart pigs'' would be cross-referenced with the close interval pipe-to-soil corrosion survey to correct any deficiencies in the cathodic protection system; and

(8) The ''smart pig'' runs would be preceded by a geometry pig that is capable of detecting dents in the pipe wall and girth welds.

Notice 1

In response to the CNGT's petition and the justification it contained, RSPA issued a Notice of petition for waiver inviting persons to submit written comments, (Notice 1) (61 FR 35860; July 8, 1996). In that notice, RSPA explained why neither the implementation of Alternate A nor its backup, Alternate B, would be inconsistent with pipeline safety. In fact, we saw the implementation of either alternative as contributing to the safety of the 163.19 mile transmission line.

[1] Specified minor leak—A leak from valve packings, gaskets, threaded fittings, or hydrostatic test equipment; and from localized corrosion pitting on the 26-in line pipe.

[2] Other than a specified minor leak—A leak from a crack, crack-like defects, general corrosion, or from any other source (except localized corrosion pitting) on the 26-inch line pipe.

Discussion of Comments

RSPA received public comments on Notice 1 from six gas pipeline operators and one pipeline related trade association. All seven commenters endorsed the alternative approach proposed by the petitioner and believed that the plan of action would ensure pipeline safety. Two pipeline operators stated that ''CNGT's proposal appears to be an excellent implementation of RSPA's proposed implementation of Risk Based Pipeline Operations procedures.''

Action on Petition

In accordance with the foregoing and by this order, RSPA finds that the requested waiver would not be inconsistent with pipeline safety. However, if during the hydrostatic testing required under Alternative A, a leak other than a specified minor leak occurs, CNGT is required to implement Alternative B. Accordingly, CNGT's petition for waiver from compliance with the requirements of 49 CFR 192.611(a) is granted under the provisions set out in Alternate A and Alternate B (above) under the heading Alternate Approach.

Issued in Washington, DC on September 24, 1996.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 96–24863 Filed 9–26–96; 8:45 am]

BILLING CODE 4910–60–P

Surface Transportation Board [1]

[STB Finance Docket No. 33115]

North Coast Railroad Authority—Lease and Operation Exemption—California Northern Railroad Company

Northwestern Pacific Railroad Authority, and Golden Gate Bridge, Highway and Transportation District North Coast Railroad Authority (NCRA), a Class III railroad, has filed a notice of exemption under 49 CFR 1150.41 to acquire by lease and operate approximately 142.2 miles of California Northern Railroad Company (CNRC) line,[2] known as the Northwestern Pacific Line,[3] located in Mendocino, Sonoma, Marin and Napa Counties, CA.[4] In addition, the Northwestern Pacific Railroad Authority and the Golden Gate Bridge, Highway and Transportation District have agreed to grant surface freight and passenger excursion easement to NCRA for a total of 67.9 miles of line (that portion of the Northwestern Pacific Line not owned by NCRA). The line is comprised of four segments: (1) the Willits Segment—extending from NWP milepost 142.5 near Outlet Station to NWP milepost 68.22 near Healdsburg, CA, a distance of approximately 74.3 miles; [5] (2) the Healdsburg Segment—extending from NWP milepost 68.2 near Healdsburg, CA, to NWP milepost 26.96 near Novato, CA, a distance of approximately 41.2 miles; (3) the Novato Segment—extending from NWP milepost 26.96 near Novato, CA, to NWP milepost 25.6 near Ignacio, CA, a distance of approximately 1.4 miles; and (4) the Lombard Segment—extending from NWP milepost 25.6 near Ignacio, CA, to Lombard Station in Napa County, CA, SPM milepost 63.4, a distance of approximately 25.3 miles.

The transaction was scheduled to be consummated on or after the effective date of September 12, 1996.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33115, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on: Christopher J. Neary, Esq., 110 South Main Street, Suite C, Willits, CA 95490. Telephone: (707) 459–5551.

Decided: September 18, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–24703 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10902.

[2] CNRC is assigning to NCRA its rights obtained by Lease Agreement dated August 27, 1993, and amended April 30, 1996, between the Southern Pacific Transportation Company and CNRC.

[3] NCRA will be the operator of the Northwestern Pacific Line and will be doing business under the name ''Northwestern Pacific Railroad.''

[4] NCRA is currently operating over approximately 131.7 miles of the Northwestern Pacific Line under a trackage rights arrangement previously exempted by the Board. *See North Coast Railroad Authority—Trackage Rights Exemption—California Northern Railroad Company,* Finance Docket No. 32994 (STB served July 19, 1996).

[5] Rail line owned by NCRA.

[STB Finance Docket No. 33120]

Connecticut Southern Railroad, Inc.—Acquisition and Operation Exemption—Lines of Consolidated Rail Corporation

Connecticut Southern Railroad, Inc. (CSO), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate 23.1 miles of rail lines in the State of Connecticut from Consolidated Rail Corporation (Conrail) between milepost 0.0, at East Hartford, and milepost 6.7, at East Windsor; between milepost 0.0, at Windsor Locks, and milepost 4.2, at Suffield; between milepost 0.0, at Hartford, and milepost 9.6, at Manchester; and between milepost 0.0, at Hartford, and milepost 2.6, at Wethersfield. In addition, CSO will acquire by assignment Conrail's rail freight easement over 55 miles of rail line owned by the National Railroad Passenger Corporation in the States of Connecticut and Massachusetts between Amtrak milepost 7.0, near North Haven, CT, and Amtrak milepost 62.0, at Springfield, MA.

The transaction is expected to be consummated on September 20, 1996.

This transaction is related to STB Finance Docket No. 33121, *RailTex, Inc.—Continuance in Control Exemption—Connecticut Southern Railroad, Inc.,* wherein RailTex, Inc. has concurrently filed a verified notice to continue in control of CSO, upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33120, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball, Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Decided: September 18, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–24708 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 32841 (Sub-No. 1)]

East Texas Central Railroad, Inc.—Operation Exemption—Northeast Texas Rural Rail Transportation District

East Texas Central Railroad, Inc. (ETC) has filed a verified notice of exemption under 49 CFR 1150.31 to operate a total of approximately 38 miles of rail lines as follows: (1) approximately 31.0 miles of rail lines owned by Northeast Texas Rural Rail Transportation District (NETEX) beginning at milepost 524.0, located approximately 6.2 miles west of Sulphur Springs, TX, and proceeding in a westerly direction through the Counties of Hopkins and Delta to milepost 555.0 at Simtrott in Hunt County, TX; and, (2) approximately 7 miles of rail line owned by the St. Louis Southwestern Railway Company between milepost 524.0 and milepost 517.0, pursuant to trackage rights acquired by NETEX for the purpose of interchanging and switching at Sulphur Springs, TX. ETC entered into an agreement with NETEX to perform these rail operations, which commenced in April 1996. Due to an oversight, ETC did not file a verified notice of exemption with the Board prior to commencing its rail operations. ETC, a noncarrier prior to commencement of operations, now seeks to correct this error by filing this notice involving the class exemption under 49 CFR 1150.31. The effective date of this exemption is September 8, 1996.

On September 3, 1996, the shares of ETC were to be acquired by Southern Railway Services, Inc. (SRS), a noncarrier that is not in control of any other carrier. ETC states that the sale of its stock to SRS will not have any impact on its continuing obligation to provide rail operations under its agreement with NETEX.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32841 (Sub-No. 1), must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Richard H. Streeter, Barnes & Thornburg, 1401 Eye Street, N.W., Suite 500, Washington, DC 20005.

Decided: September 20, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–24704 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33042]

Richard B. Webb and Susan K. Lundy—Continuance in Control Exemption—Palouse River & Coulee City Railroad, Inc.

Richard B. Webb and Susan K. Lundy (Applicants), have filed a notice of exemption to continue in control of Palouse River & Coulee City Railroad, Inc. (PRCC), upon PRCC's becoming a Class III rail carrier. The transaction was to have been consummated on or after the September 4, 1996 effective date of the exemption.

PRCC, a noncarrier, has concurrently filed a notice of exemption in *Palouse River & Coulee City Railroad, Inc.—Acquisition Exemption—Burlington Northern Railroad Company*, STB Finance Docket No. 33041, to acquire approximately 277.3 miles of rail lines of Burlington Northern Railroad Company, in the States Washington and Idaho.

Applicants control one other nonconnecting Class III rail carrier—South Kansas and Oklahoma Railroad Company (SKO)—which operates lines in the States of Kansas and Oklahoma.[2] Applicants state that: (1) PRCC will not connect with SKO; (2) the continuance in control is not part of a series of anticipated transactions that would connect the two railroads; and (3) the transaction does not involve a Class I railroad. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III railroad carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33042, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Karl Morell, Ball Janik LLP, Suite 225, 1455 F Street, N.W., Washington, DC 20005.

Decided: September 19, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary

[FR Doc. 96–24705 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 33041]

Palouse River & Coulee City Railroad, Inc.—Acquisition Exemption—Burlington Northern Railroad Company

Palouse River & Coulee City Railroad, Inc. (PRCC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire approximately 277.3 miles of rail lines owned by Burlington Northern Railroad Company (BN) as follows: between the C.W. Subdivision milepost 1.0 north of Cheney, WA, and the western end of the rail line at C.W. Subdivision milepost 108.8 in Coulee City, WA; between the Palouse Subdivision milepost 1.0 south of Marshall, WA, and the southern end of the rail line at Palouse Subdivision milepost 123.5 at or near Arrow, ID; and between WIM Subdivision milepost 0.0 at Palouse, WA, and the eastern end of the rail line at WIM Subdivision milepost 47.0 at Bovill, ID. The transaction was to have been consummated on or after the September 4, 1996 effective date of the exemption.

This proceeding is related to *Richard B. Webb and Susan K. Lundy—Continuance in Control Exemption—Palouse River & Coulee City Railroad, Inc.*, STB Finance Docket No. 33042, wherein Richard B. Webb and Susan K. Lundy have concurrently filed a verified

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

[2] *See South Kansas and Oklahoma Railroad, Inc.—Acquisition and Operation Exemption—The Atchison, Topeka and Santa Fe Railway Company, Finance* Docket No. 31802 (ICC served Jan. 9, 1991).

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

notice to continue to control PRCC, upon its becoming a Class III rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33041, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Karl Morell, Ball Janik LLP, Suite 225, 1455 F Street, N.W., Washington, DC 20005.

Decided: September 19, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–24706 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Finance Docket No. 32121]

RailTex, Inc.—Continuance in Control Exemption—Connecticut Southern Railroad, Inc.

RailTex, Inc. (RailTex), a noncarrier holding company, has filed a notice of exemption to continue in control of the Connecticut Southern Railroad, Inc. (CSO), upon CSO's becoming a Class III railroad.

This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

The transaction is expected to be consummated on September 20, 1996.

This transaction is related to STB Finance Docket No. 33120, *Connecticut Southern Railroad, Inc.—Acquisition and Operation Exemption—-Lines of Consolidated Rail Corporation,* wherein CSO seeks to acquire and operate certain rail lines from Consolidated Rail Corporation.

RailTex controls 20 existing Class III railroad subsidiaries: San Diego & Imperial Valley Railroad Company, Inc., operating in California; North Carolina & Virginia Railroad Company, Inc. (including Virginia Southern Division), operating in North Carolina and Virginia; South Carolina Central Railroad Company, Inc. (including Carolina Piedmont Division), operating in South Carolina; Mid-Michigan Railroad, Inc. (including Northeast Kansas & Missouri Division and Texas Northeastern Division) operating in Texas, Kansas, Missouri and Michigan; Chesapeake & Albemarle Railroad Company, Inc., operating in Virginia and North Carolina; Michigan Shore Railroad Company, Inc., operating in Michigan; New Orleans Lower Coast Railroad Company, Inc., operating in Louisiana; Dallas, Garland & Northeastern Railroad, Inc., operating in Texas; Indiana Southern Railroad, Inc., operating in Indiana; Missouri & Northern Arkansas Railroad Company, Inc., operating in Kansas, Missouri and Arkansas; Salt Lake City Southern Railroad Company, Inc., operating in Utah; Grand Rapids Eastern Railroad, Inc., operating in Michigan; Central Oregon & Pacific Railroad, Inc., operating in Oregon and California; New England Central Railroad, Inc., operating in Vermont, New Hampshire, Massachusetts, and Connecticut; Georgia Southwestern Railroad, Inc. (including Georgia & Alabama Division and Georgia Southwestern Division), operating in Alabama and Georgia; Austin & Northwestern Railroad Company, Inc. (including Texas-New Mexico Division), operating in Texas and New Mexico; Cincinnati Terminal Railway Company, operating in Ohio; Indiana and Ohio Railroad, Inc., operating in Indiana and Ohio; Indiana & Ohio Railway Company, operating in Ohio; and Indiana & Ohio Central Railroad, Inc., operating in Ohio.

RailTex states that: (i) The rail lines to be operated by CSO do not connect with any railroad in the RailTex corporate family; (ii) the transaction is not part of a series of anticipated transactions that would connect CSO with any railroad in the RailTex corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33121, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball, Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: September 18, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–24707 Filed 9–26–96; 8:45 am]

BILLING CODE 4915–00–P

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[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board).

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for renewed approval by the Office of Management and Budget. The Office of International Financial Analysis within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ–1, Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

DATES: Written comments should be received on or before November 26, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Gary A. Lee, Manager, Treasury International Capital Reporting System, Department of the Treasury, Room 5464, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Gary A. Lee, Manager, Treasury International Capital Reporting System, Department of Treasury, Room 5464, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 622–2270.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form BQ–1. Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

OMB Number: 1505–0016.

Abstract: Form BQ–1 is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; EO 10033; 31 CFR 128) and is designed to collect timely information on international portfolio capital movements. This quarterly report covers the U.S. dollar claims of banks, other depository institutions, brokers and dealers, and of their domestic customers *vis-á-vis* foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international investment position, and for use in formulating U.S. international financial and monetary policies.

Current Actions. No changes to reporting requirements are proposed at this time.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 800.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 12,800 hours, based on four reporting periods per year.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: whether Form BQ–1 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; how to enhance the quality, usefulness, and clarity of the information to be collected; how to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Thomas Ashby McCown,

Director, Office of International Financial Analysis.

[FR Doc. 96–24771 Filed 9–26–96; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT 0F THE TREASURY

[Treasury Order Number 102–18]

Assignment of Function for Domestic Counterterrorism; Authority Delegation

Dated: September 13, 1996.

Pursuant to the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b), it is ordered that:

1. Responsibility for the Department's response to domestic counterterrorism activities is vested in the Assistant Secretary (Management) & CFO as it concerns protection of Treasury personnel and facilities, and the people and facilities under Treasury's jurisdiction. Nothing in this Order shall be construed to interfere with the authority of the U.S. Secret Service under Section 202 of Title 3 or Section 3056 of Title 18, United States Code, dealing with the Secret Service's protective duties.

2. The above authority shall be exercised, on behalf of the Assistant Secretary (Management) & CFO, by the Director of Security under the auspices of the Treasury Terrorism Advisory Group (TTAG). The Director of Security shall chair meetings of the TTAG and work with counterparts in the Law Enforcement Community and others as appropriate. The Director of Security shall coordinate with the Office of the Under Secretary (Enforcement) on the Department's planning and related activities with respect to domestic counterterrorism issues.

3. The Office of Intelligence Support shall provide necessary support to the Director of Security in fulfilling these obligations.

4. The Office of the Under Secretary (Enforcement) and Treasury Law Enforcement bureaus, as well as Treasury Financial bureaus that are made privy to counterterrorism materials, shall assist the Director of Security and provide needed support as may be requested by the Director of Security.

5. *Effective Date.* The above arrangements shall be effective immediately.

Robert E. Rubin,

Secretary of the Treasury.

[FR Doc. 96–24810 Filed 9–26–96; 8:45 am]

BILLING CODE 4810–25–P

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Request for Recommendations

AGENCY: Utah Reclamation Mitigation And Conservation Commission.

ACTION: Notice.

SUMMARY: The Utah Reclamation Mitigation and Conservation Commission published its first Five Year Plan in May 1996. The Plan is intended to be a dynamic document that is updated annually in order to reflect our most current thinking and priorities. The Mitigation Commission is now requesting recommendations for modifications or amendments to be considered for the 1997 Plan. The Plan will guide the Commission's fish and wildlife mitigation and conservation program for impacts associated with the construction of the Central Utah Project and other Federal reclamation projects in Utah.

DATES: Recommendations will be accepted through 5:00 p.m. January 6, 1997.

ADDRESSES: A Recommendation solicitation packet is available from the Planning Manager, Utah Reclamation Mitigation and Conservation Commission, 111 East Broadway, Suite 310, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: Joan Degiorgio, Telephone (801) 524–3146; Fax (801) 524–3148, E-mail Jdegiorgio@uc.usbr.gov.

Authority: Pub. L. 102–575, 106 Stat. 4600, 4625, October 30, 1992.

Michael C. Weland,

Executive Director.

[FR Doc. 96–24758 Filed 9–26–96; 8:45 am]

BILLING CODE 4310–05–P

Corrections

Federal Register
Vol. 61, No. 189
Friday, September 27, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER96-2303-000]

Power Providers, Inc.; Notice of Issuance of Order

Correction

In notice document 96–24329 appearing on page 49757 in the issue of Monday, September 23, 1996, in the third column, ''September 18, 1996.'' should have appeared below the subject heading.

BILLING CODE 1505–01–D

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[Docket No. 96-7 CARP CD 93-94]

Ascertainment of Controversy for 1993 and 1994 Cable Royalty Funds

Correction

In notice document 96–24289 appearing on page 49799 in the issue of Monday, September 23, 1996, in the first column, under **DATES**, ''November 1, 1996'' should read ''October 23, 1996''.

BILLING CODE 1505–01–D

Federal Register

Friday
September 27, 1996

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 106 and 190

Pipeline Safety Rulemaking Procedures; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 106 and 190

[Docket RSP–2; Admt. Nos. 106–12, 190–1]

RIN 2137–AC94

Pipeline Safety Rulemaking Procedures

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: RSPA is replicating in 49 CFR Part 190 its rulemaking procedures presently found in 49 CFR Part 106. This will enable persons in the pipeline industry to obtain a single volume of the Code of Federal Regulations that contains both the pipeline safety program regulations and the pipeline rulemaking procedures. The intended effect of this action is to reduce the pipeline industry's cost of purchasing regulations and to increase user convenience by placing the rulemaking procedures in the same volume with program procedures. RSPA has taken these actions in response to President Clinton's regulatory reinvention initiative.

EFFECTIVE DATE: October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Paul Sanchez, Attorney, Office of the Chief Counsel, RSPA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001; Telephone (202) 366–4400; or online at paul.sanchez@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations to eliminate or revise those regulations that are outdated or in need of reform. In response to the President's directive, RSPA extensively reviewed its Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180), Pipeline Safety Regulations (49 CFR Parts 190–199) and its procedural rules in 49 CFR Parts 106, 107 and 110.

In its review, RSPA determined that it could eliminate sufficient HMR pages to facilitate the future publication of separate, stand-alone Code of Federal Regulation volumes for the HMR and the pipeline safety regulations. To do this, it is necessary to reproduce in the pipeline safety regulations the rulemaking procedures currently in Part 106. This action will enable persons in the pipeline industry to obtain a single volume of the CFR that contains both the pipeline safety regulations and the applicable rulemaking procedures. This rulemaking replicates in Part 190 the rulemaking procedures existing in Part 106, including those changes made in the final rule published June 14, 1996 (FR 30175). Since this rulemaking does not impose new requirements, notice and public procedure are unnecessary. For the same reason, there is good cause to make these amendments effective without the customary 30-day delay following publication. This will allow the changes to appear in the next revision of 49 CFR.

II. Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034). The economic impact of this rule is minimal to the extent that the preparation of a regulatory evaluation is not warranted.

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''), and RSPA has determined that preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule does not impose any new requirements on persons subject to the HMR or the Pipeline Safety Regulations.

Paperwork Reduction Act

This final rule does not impose any new information collection requirements.

Regulation Identifier Number (RIN)

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

List of Subjects

49 CFR Part 106

Administrative practice and procedure, Hazardous materials transportation, Oil.

49 CFR Part 190

Administrative practice and procedure, Pipeline safety.

In consideration of the foregoing, 49 CFR chapter I is amended as follows:

1. The heading of subchapter A of Chapter I is revised to read as follows:

Subchapter A—Hazardous Materials and Oil Transportation

PART 106—RULEMAKING PROCEDURES

2. The authority citation for part 106 is revised to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 106.3 [Amended]

3. In § 106.3, paragraph (b) is removed and paragraph (c) is redesignated as paragraph (b).

Subchapter D—Pipeline Safety

PART 190 —PIPELINE SAFETY PROGRAMS AND RULEMAKING PROCEDURES

4. The heading of part 190 is revised to read as set forth above:

5. The authority citation for Part 190 is revised to read as follows:

Authority: 33 U.S.C. 1321; 49 U.S.C. 5101–5127, 60101 *et seq.*; 49 CFR 1.53.

6. Subpart C is added to part 190 to read as follows:

Subpart C—Procedures for Adoption of Rules

Sec.

Subpart C—Procedures for Adoption of Rules

§ 190.301 Scope.

This subpart prescribes general rulemaking procedures for the issue, amendment, and repeal of Pipeline Safety Program regulations of the Research and Special Programs Administration of the Department of Transportation.

§ 190.303 Delegations.

For the purposes of this subpart, *Administrator* means the Administrator, Research and Special Programs Administration, or his or her delegate.

§ 190.305 Regulatory dockets.

(a) Information and data considered relevant by the Administrator relating to rulemaking actions, including notices of proposed rulemaking; comments received in response to notices; petitions for rulemaking and reconsideration; denials of petitions for rulemaking and reconsideration; records of additional rulemaking proceedings under § 190.325; and final regulations are maintained by the Research and Special Programs Administration at 400 7th Street, SW, Washington, D.C. 20590–0001.

(b) Any person may examine any docketed material at the offices of the Research and Special Programs Administration at any time during regular business hours after the docket is established, except material which the Administrator determines should be withheld from public disclosure under applicable provisions of any statute administered by the Administrator and section 552(b) of Title 5, United States Code, and may obtain a copy of it upon payment of a fee.

§ 190.307 Records.

Records of the Research and Special Programs Administration relating to rulemaking proceedings are available for inspection as provided in section 552(b) of title 5, United States Code, and part 7 of the Regulations of the Office of the Secretary of Transportation (part 7 of this title).

§ 190.309 Where to file petitions.

Petitions for extension of time to comment submitted under § 190.319, petitions for hearings submitted under § 190.327, petitions for rulemaking submitted under § 190.331, and petitions for reconsideration submitted under § 190.335 must be submitted to: Administrator, Research and Special Programs Administration, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590–0001.

§ 190.311 General.

Unless the Administrator, for good cause, finds that notice is impracticable, unnecessary, or contrary to the public interest, and incorporates that finding and a brief statement of the reasons for it in the rule, a notice of proposed rulemaking is issued and interested persons are invited to participate in the rulemaking proceedings with respect to each substantive rule.

§ 190.313 Initiation of rulemaking.

The Administrator initiates rulemaking on his or her own motion; however, in so doing, the Administrator may use discretion to consider the recommendations of other agencies of the United States or of other interested persons including those of any technical advisory body established by statute for that purpose.

§ 190.315 Contents of notices of proposed rulemaking.

(a) Each notice of proposed rulemaking is published in the Federal Register, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the Federal Register or personally served, includes:

(1) A statement of the time, place, and nature of the proposed rulemaking proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed regulation;

(4) A statement of the time within which written comments must be submitted; and

(5) A statement of how and to what extent interested persons may participate in the proceeding.

§ 190.317 Participation by interested persons.

(a) Any interested person may participate in rulemaking proceedings by submitting comments in writing containing information, views or arguments in accordance with instructions for participation in the rulemaking document.

(b) The Administrator may invite any interested person to participate in the rulemaking proceedings described in § 190.325.

(c) For the purposes of this subpart, an interested person includes any Federal or State government agency or any political subdivision of a State.

§ 190.319 Petitions for extension of time to comment.

A petition for extension of the time to submit comments must be received not later than 10 days before expiration of the time stated in the notice. It is requested, but not required, that three copies be submitted. The filing of the petition does not automatically extend the time for petitioner's comments. A petition is granted only if the petitioner shows good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted, it is granted to all persons, and it is published in the Federal Register.

§ 190.321 Contents of written comments.

All written comments must be in English. It is requested, but not required, that five copies be submitted. Any interested person should submit as part of written comments all material considered relevant to any statement of fact. Incorporation of material by reference should be avoided; however, where necessary, such incorporated material shall be identified by document title and page.

§ 190.323 Consideration of comments received.

All timely comments and the recommendations of any technical advisory body established by statute for the purpose of reviewing the proposed rule concerned are considered before final action is taken on a rulemaking proposal. Late filed comments are considered so far as practicable.

§ 190.325 Additional rulemaking proceedings.

The Administrator may initiate any further rulemaking proceedings that the Administrator finds necessary or desirable. For example, interested persons may be invited to make oral arguments, to participate in conferences between the Administrator or the Administrator's representative and interested persons, at which minutes of the conference are kept, to appear at informal hearings presided over by officials designated by the Administrator at which a transcript of minutes are kept, or participate in any other proceeding to assure informed administrative action and to protect the public interest.

§ 190.327 Hearings.

(a) If a notice of proposed rulemaking does not provide for a hearing, any interested person may petition the Administrator for an informal hearing. The petition must be received by the Administrator not later than 20 days before expiration of the time stated in the notice. The filing of the petition

does not automatically result in the scheduling of a hearing. A petition is granted only if the petitioner shows good cause for a hearing. If a petition for a hearing is granted, notice of the hearing is published in the Federal Register.

(b) Sections 556 and 557 of title 5, United States Code, do not apply to hearings held under this part. Unless otherwise specified, hearings held under this part are informal, nonadversary fact-finding proceedings, at which there are no formal pleadings or adverse parties. Any regulation issued in a case in which an informal hearing is held is not necessarily based exclusively on the record of the hearing.

(c) The Administrator designates a representative to conduct any hearing held under this subpart. The Chief Counsel designates a member of his or her staff to serve as legal officer at the hearing.

§ 190.329 Adoption of final rules.

Final rules are prepared by representatives of the Office of Pipeline Safety and the Office of the Chief Counsel. The regulation is then submitted to the Administrator for consideration. If the Administrator adopts the regulation, it is published in the Federal Register, unless all persons subject to it are named and are personally served with a copy of it.

§ 190.331 Petitions for rulemaking.

(a) Any interested person may petition the Associate Administrator for Pipeline Safety to establish, amend, or repeal a substantive regulation, or may petition the Chief Counsel to establish, amend, or repeal a procedural regulation.

(b) Each petition filed under this section must—

(1) Summarize the proposed action and explain its purpose;

(2) State the text of the proposed rule or amendment, or specify the rule proposed to be repealed;

(3) Explain the petitioner's interest in the proposed action and the interest of any party the petitioner represents; and

(4) Provide information and arguments that support the proposed action, including relevant technical, scientific or other data as available to the petitioner, and any specific known cases that illustrate the need for the proposed action.

(c) If the potential impact of the proposed action is substantial, and information and data related to that impact are available to the petitioner, the Associate Administrator or the Chief Counsel may request the petitioner to provide—

(1) The costs and benefits to society and identifiable groups within society, quantifiable and otherwise;

(2) The direct effects (including preemption effects) of the proposed action on States, on the relationship between the Federal Government and the States, and on the distribution of power and responsibilities among the various levels of government;

(3) The regulatory burden on small businesses, small organizations and small governmental jurisdictions;

(4) The recordkeeping and reporting requirements and to whom they would apply; and

(5) Impacts on the quality of the natural and social environments.

(d) The Associate Administrator or Chief Counsel may return a petition that does not comply with the requirements of this section, accompanied by a written statement indicating the deficiencies in the petition.

§ 190.333 Processing of petition.

(a) *General.* Unless the Associate Administrator or the Chief Counsel otherwise specifies, no public hearing, argument, or other proceeding is held directly on a petition before its disposition under this section.

(b) *Grants.* If the Associate Administrator or the Chief Counsel determines that the petition contains adequate justification, he or she initiates rulemaking action under this subpart.

(c) *Denials.* If the Associate Administrator or the Chief Counsel determines that the petition does not justify rulemaking, the petition is denied.

(d) *Notification.* The Associate Administrator or the Chief Counsel will notify a petitioner, in writing, of the decision to grant or deny a petition for rulemaking.

§ 190.335 Petitions for reconsideration.

(a) Except as provided in § 190.339(d), any interested person may petition the Associate Administrator for reconsideration of any regulation issued under this subpart, or may petition the Chief Counsel for reconsideration of any procedural regulation issued under this subpart and contained in this subpart. It is requested, but not required, that three copies be submitted. The petition must be received not later than 30 days after publication of the rule in the Federal Register. Petitions filed after that time will be considered as petitions filed under § 190.331. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests the consideration of additional facts, the petitioner must state the reason they were not presented to the Associate Administrator or the Chief Counsel within the prescribed time.

(c) The Associate Administrator or the Chief Counsel does not consider repetitious petitions.

(d) Unless the Associate Administrator or the Chief Counsel otherwise provides, the filing of a petition under this section does not stay the effectiveness of the rule.

§ 190.337 Proceedings on petitions for reconsideration.

(a) The Associate Administrator or the Chief Counsel may grant or deny, in whole or in part, any petition for reconsideration without further proceedings, except where a grant of the petition would result in issuance of a new final rule. In the event that the Associate Administrator or the Chief Counsel determines to reconsider any regulation, a final decision on reconsideration may be issued without further proceedings, or an opportunity to submit comment or information and data as deemed appropriate, may be provided. Whenever the Associate Administrator or the Chief Counsel determines that a petition should be granted or denied, the Office of the Chief Counsel prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and the Associate Administrator or the Chief Counsel issues it to the petitioner. The Associate Administrator or the Chief Counsel may consolidate petitions relating to the same rules.

(b) It is the policy of the Associate Administrator or the Chief Counsel to issue notice of the action taken on a petition for reconsideration within 90 days after the date on which the regulation in question is published in the Federal Register, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact and the date by which it is expected that action will be taken is issued to the petitioner and published in the Federal Register.

§ 190.338 Appeals.

(a) Any interested person may appeal a denial of the Associate Administrator or the Chief Counsel, issued under § 190.333 or § 190.337, to the Administrator.

(b) An appeal must be received within 20 days of service of written notice to petitioner of the Associate

Administrator's or the Chief Counsel's decision, or within 20 days from the date of publication of the decision in the Federal Register, and should set forth the contested aspects of the decision as well as any new arguments or information.

(c) It is requested, but not required, that three copies of the appeal be submitted to the Administrator.

(d) Unless the Administrator otherwise provides, the filing of an appeal under this section does not stay the effectiveness of any rule.

§ 190.339 Direct final rulemaking.

(a) Where practicable, the Administrator will use direct final rulemaking to issue the following types of rules:

(1) Minor, substantive changes to regulations;

(2) Incorporation by reference of the latest edition of technical or industry standards;

(3) Extensions of compliance dates; and

(4) Other noncontroversial rules where the Administrator determines that use of direct final rulemaking is in the public interest, and that a regulation is unlikely to result in adverse comment.

(b) The direct final rule will state an effective date. The direct final rule will also state that unless an adverse comment or notice of intent to file an adverse comment is received within the specified comment period, generally 60 days after publication of the direct final rule in the Federal Register, the Administrator will issue a confirmation document, generally within 15 days after the close of the comment period, advising the public that the direct final rule will either become effective on the date stated in the direct final rule or at least 30 days after the publication date of the confirmation document, whichever is later.

(c) For purposes of this section, an adverse comment is one which explains why the rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. Comments that are frivolous or insubstantial will not be considered adverse under this procedure. A comment recommending a rule change in addition to the rule will not be considered an adverse comment, unless the commenter states why the rule would be ineffective without the additional change.

(d) Only parties who filed comments to a direct final rule issued under this section may petition under § 190.335 for reconsideration of that direct final rule.

(e) If an adverse comment or notice of intent to file an adverse comment is received, a timely document will be published in the Federal Register advising the public and withdrawing the direct final rule in whole or in part. The Administrator may then incorporate the adverse comment into a subsequent direct final rule or may publish a notice of proposed rulemaking. A notice of proposed rulemaking will provide an opportunity for public comment, generally a minimum of 60 days, and will be processed in accordance with §§ 190.311–190.329.

Issued in Washington, DC, on September 18, 1996, under the authority delegated in 49 CFR part 1.

Kelley S. Coyner,

Deputy Administrator.

[FR Doc. 96–24399 Filed 9–26–96; 8:45 am]

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Federal Register

Friday
September 27, 1996

Part III

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 50

Protection and Enhancement of Environmental Quality; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 50

[Docket No. FR–2206–F–03]

RIN 2501–AA30

Protection and Enhancement of Environmental Quality

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This rule finalizes the policies and procedures set forth in HUD's April 5, 1996 proposed rule. Additionally, this rule makes several clarifying and technical amendments to the proposed rule. The final rule simplifies, improves, and updates HUD's implementation of responsibilities for environmental review and decision making under the National Environmental Policy Act and the other related Federal environmental laws and authorities. This final rule replaces HUD's current regulations at 24 CFR part 50.

EFFECTIVE DATE: October 28, 1996.

FOR FURTHER INFORMATION CONTACT: Richard H. Broun, Director, Office of Community Viability, Room 7240, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–7000. For telephone communication, contact Walter Prybyla, Deputy Director for Policy, Environmental Review Division at (202) 708–1201. (This number is not toll-free.) Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. The April 5, 1996 Proposed Rule

On April 5, 1996 (61 FR 15340), HUD published a rule for public comment proposing to amend 24 CFR part 50 in its entirety. Part 50 describes the procedures used by HUD to carry out its responsibilities under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), the NEPA implementing regulations of the Council on Environmental Quality, and the other NEPA-related Federal environmental laws and authorities (See § 50.4 of this final rule). The April 5, 1996 rule proposed to simplify, improve, and update these regulations.

HUD decided to completely revise 24 CFR part 50 due to the implementation of a series of innovative initiatives which have improved the way HUD delivers services to the public. As detailed in the preamble to the April 5, 1996 proposed rule, these initiatives include: (1) HUD's regulatory reinvention efforts; (2) the reorganization of HUD field offices; (3) Presidential Executive Order 12898 on Environmental Justice; and (4) the need to update 24 part 50 as a result of program experience and the evolving nature of HUD's programs.

This rule finalizes the policies and procedures set forth in the April 5, 1996 proposed rule and makes several technical and clarifying amendments to the proposed regulation. The April 5, 1996 proposed rule discussed in detail the amendments to 24 CFR part 50.

II. This Final Rule

The public comment period on the April 5, 1996 proposed rule expired on June 4, 1996. No comments were received. Although no changes are being made in response to public comment, HUD is making certain technical and clarifying amendments to the proposed rule at the final rule stage. This section of the preamble describes the amendments made by this final rule to the April 5, 1996 proposed rule.

A. *Clarification to 24 CFR 50.3(i)(1): Use of properties affected by hazardous materials.* Paragraph (i)(1) of § 50.3 concerned the use of properties affected by hazardous materials. The proposed use of such a property will be important with respect to its suitability for approval of HUD assistance. For example, properties which will be used for housing, hospitals, or nursing homes must be free of hazardous materials. In contrast, properties designated for industrial or commercial purposes, as may be the case with ''brownfield'' locations proposed for new uses, are permitted to be hazard-managed sites.

Proposed 24 CFR 50.3(i)(1) required that a site be hazard-free if a ''hazard could affect the health and safety of occupants or the utilization of the property.'' This broad language could be misinterpreted to mean that only hazard-free sites will be approved for HUD assistance. The final rule amends 24 CFR 50.3(i)(1) to clarify that a site must be free of hazardous materials if a ''hazard could affect the health and safety of occupants or *conflict with the intended* utilization of the property.''

B. *Section 50.17: Decision points for the hospital mortgage insurance and loan guarantee recovery fund programs.* HUD's regulation at 24 CFR 50.17 lists the environmental ''decision points'' for the various HUD programs. A Finding of No Significant Impact (FONSI) with respect to the environment or an Environmental Impact Statement (EIS) must be completed before the applicable decision point. This final rule amends the April 5, 1996 proposed rule by making two changes to § 50.17.

The April 5, 1996 proposed rule would have removed from § 50.17 the reference to the decision point for HUD's hospital mortgage insurance program. The Department of Health and Human Services (HHS) is the lead Federal agency responsible for hospital related environmental review and decisionmaking. Accordingly, the preamble to the April 5, 1996 rule explained that HUD, for purposes of its hospital mortgage insurance program, would rely on an HHS certification that HHS had complied with the applicable environmental requirements. Subsequent to publication of the April 5, 1996 proposed rule, HUD decided to continue being responsible for the environmental reviews related to its hospital mortgage insurance program. HUD, therefore, will continue to list the decision point for this program in § 50.17. This final rule continues to require that the FONSI or EIS be completed before issuance of the Site Appraisal and Market Analysis (SAMA) Letter, or initial equivalent indication of HUD approval of a specific site. In the case of hospital mortgage insurance, this decision point is HUD's issuance of a conditional commitment.

This final rule also updates § 50.17 by adding the decision point for HUD's loan guarantee recovery fund program. This program, which is codified at new 24 CFR part 573, was established subsequent to publication of the April 5, 1996 proposed rule. Part 573 implements section 4 of the Church Arson Prevention Act of 1996 (Pub. L. 104–155, approved July 3, 1996). This final rule adds a new § 50.17(a)(3) which states that the decision point for loans guaranteed under part 573 is HUD's issuance of a commitment letter or initial equivalent indication of HUD approval.

C. *New Paragraphs (b) (21), (22), and (23) to § 50.19: Additional categorical exclusions.* Section 50.19 lists those activities which are excluded from the compliance requirements of the various environmental authorities. HUD omitted to list several exclusions in the April 5, 1996 proposed rule. This final rule corrects the oversight.

1. *Refinancing of HUD-insured mortgages.* This final rule adds a new paragraph (b)(21) to § 5.19, which excludes any refinancing of HUD-insured mortgages that will not allow new construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance. Such actions are excluded from NEPA as well as the related laws and

authorities listed in § 50.4, except that compliance with 24 CFR 50.4(b)(1), which relates to flood insurance requirements, is required for buildings located in special flood hazard areas.

2. *Sale of HUD-held mortgages.* This final rule adds a new paragraph (b)(22) to § 50.19, which excludes the sale of a HUD-held mortgage on an existing property. In these cases, there is no physical impact and the property is not owned by HUD; the mortgage will be held by a new mortgagee, but the ownership of the real property does not change.

3. *Foreclosure sales of properties with HUD-held mortgages.* This final rule also excludes the foreclosure sale of a property with a HUD-held mortgage. Appropriate restrictions, however, will be imposed to protect historic properties. As is true with the exclusion listed in new 24 CFR 50.19(b)(22), HUD does not own the property in these cases. HUD, therefore, does not dispose of the property, but causes the property to be sold to satisfy HUD's lien. HUD has long viewed foreclosure sales as in the nature of civil enforcement actions (which are not considered Federal actions under the NEPA regulations published by the Council on Environmental Quality). This final rule adds a new 24 CFR 50.19(b)(23) to clarify that these foreclosure sales are categorically excluded from compliance with NEPA and the other environmental authorities.

D. *Intergovernmental review.* An error concerning intergovernmental review appeared in the preamble to the April 5, 1996 proposed rule. HUD's regulations at 24 CFR part 52 govern the intergovernmental review of HUD programs and activities. The preamble to the proposed rule mistakenly stated that 24 CFR part 52 is no longer in active use (61 FR 15340, 15341). Accordingly, the April 5, 1996 rule proposed to remove all references to part 52 from 24 CFR part 50. Part 52 remains current and in effect. This rule, however, finalizes the removal of the references to 24 CFR part 52. The provisions of 24 CFR part 52 apply to HUD programs notwithstanding any specific reference in part 50. It is unnecessary for 24 CFR part 50 to cite these regulatory requirements.

E. *Section 50.23: Public participation notices.* The final rule clarifies that notices pertaining to an EIS, an amendment to an EIS, and any FONSI subject to § 50.34 (Time delays for exceptional circumstances), will be provided to the public, in accordance with HUD's longstanding policy to provide notices to the affected public and to those who have requested them. This final rule provides that the local HUD field office may be contacted by persons who wish to review a FONSI which is not subject to § 50.34.

HUD also assures public participation in other ways. For example, many HUD programs have public participation elements. To enhance citizen participation and access to information on HUD-supported projects, HUD has placed on the Internet the executive summaries of Consolidated Plans for over 900 major cities and counties. HUD regulations, handbooks, legislation and related documents are also available to the public on the Internet.

III. HUD Programs Subject to 24 CFR Part 50

This final rule, which replaces the current provisions of 24 CFR part 50, applies to all HUD activities and programs, except those for which specific statutory authority exists to assign the environmental review responsibilities to recipients and other responsible entities that are States, units of general local government, Indian Tribes or other entities subject to 24 CFR part 58.

The following is a list of those HUD programs that lack specific authority for assigning the Federal environmental review responsibilities to recipients and other responsible entities. Generally, the list covers all HUD programs other than those identified at 24 CFR 58.1(b). In addition to the programs listed below, part 50 applies to certain projects and activities carried out by recipients subject to the environmental policy and procedures of 24 CFR part 58 (see 24 CFR 50.1(d)).

The following may not be an exhaustive list, but contains the principal HUD assistance programs subject to 24 CFR part 50. The number in brackets represents the part or section of title 24 in which the program regulations can be found. The number, if any following the brackets, represents the Catalog Number of Federal Domestic Assistance.

Office of Community Planning and Development

- HOPE for Homeownership of Single Family Homes: HOPE 3 [572] 14.240.
- Housing Opportunities for Persons with AIDS [574] 14.241.
- Emergency Shelter Grants Program: Stewart B. McKinney Homeless Assistance Act [576] [Part 50 applies only to applicants that are private nonprofit organizations and to governmental entities with special or limited purpose powers] 14.231.
- Supportive Housing Program [583] [Part 50 applies only to applicants that are private nonprofit organizations and to governmental entities with special or limited purpose powers] 14.235.
- Shelter Plus Care [582] [Part 50 applies to applications from Public Housing Agency applicants, except that Part 58 applies to the Section 8 Moderate Rehabilitation for Single Room Occupancy (SRO) Dwellings component of the Shelter Plus Care program] 14.238.
- Opportunities for Youth: Youthbuild [585] 14.243.
- John Heinz Neighborhood Development Program [594] 14.242.
- Special Purpose Grants for Historically-Black Colleges and Universities [570.404] 14.237.
- Base Closure Community Redevelopment and Homeless Assistance [586] 14.227.
- Loan Guarantee Recovery Fund Program [573].

Office of Housing: Single Family Housing Programs

- HUD-Acquired Single Family Property Disposition [291].

Office of Housing: Multifamily Housing Programs

- Multifamily Rental Housing for Moderate-Income Families: Section 221(d)(3) and (4) [221] 14.135.
- Existing Multifamily Rental Housing: Section 223(f) [207.32a] 14.155.
- Supportive Housing for the Elderly: Section 202 [889] 14.157.
- Supportive Housing for Persons with Disabilities: Section 811 [890] 14.181.
- Mortgage Insurance for Single Room Occupancy Projects: Section 221(d) pursuant to Section 223(g) [221.565] 14.135.
- Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, Board and Care Homes, and Assisted Living Facilities: Section 232 [232] 14.129.
- Supplementary Financing for Multifamily Projects: Section 241 [241] 14.151.
- HOPE for Homeownership of Multifamily Units: HOPE 2 [Appendix B to Subtitle A of 24 CFR] 14.185.
- Low-Income Housing Preservation and Resident Homeownership: Title VI [248 subpart B] 14.187.
- Emergency Low-Income Housing Preservation: Title II [248 subpart C] 14.187.
- Flexible Subsidy Program for Troubled Projects: Section 201 [219] 14.164.
- Manufactured Home Parks: Section 207 Land development [207.33] 14.127.

- Disposition of Multifamily Projects and Sale of HUD-held Multifamily Mortgages [290].
- Mortgage Insurance for Housing for the Elderly: Section 231 [231] 14.138 [Not used. Instead Sections 221 (d)(3) and (d)(4) are used.]
- Cooperative Housing: Section 213 [213] 14.126 [Authorized but not used. New construction and substantial rehabilitation cooperative projects are currently insured under Section 221(d)(3).]
- Multifamily Rental Housing: Section 207 [207] 14.134 [Not used. Instead Sections 221 (d)(3) and (d)(4) are used.]
- Mortgage Insurance and Insured Improvement Loans for Urban Renewal and Concentrated Development Areas: Section 220 [220] 14.139 [Not frequently used.]
- Group Practice Medical Facilities: Title XI [244] 14.116 [Not used in recent years.]
- Nehemiah Housing Opportunity Grants Program [280] [No current funding.]

Office of Public and Indian Housing

- HOPE for Public and Indian Housing Homeownership Program [Appendix A to Subtitle A of 24 CFR] 14.858.
- Public and Indian Housing Youth Sports Program [proposed 961.50] 14.863.
- Public and Indian Housing Drug Elimination Program [761] 14.854.
- Part 50 continues to be used for the following public housing programs until October 14, 1996, when the programs will become subject to environmental review procedures under 24 CFR part 58:
- Public Housing Development [941] 14.850 and 14.851.
- Public Housing Modernization [968] 14.852 and 14.859.
- Demolition or Disposition of Public Housing Projects [970] 14.850.

Office of Policy Development and Research

- CDBG Joint Community Development Program [570.411] [Part 50 applies only to applicants (e.g. to universities) that are not a State or unit of general local government.]

IV. Findings and Certifications

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) at the time of the development of the proposed rule. The Finding of No Significant Impact remains applicable to this final rule and is available for public inspection during business hours in the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule have no federalism implications, and that the policies are not subject to review under the Order. This rule is limited to updating HUD's implementation of its responsibilities for environmental review and decision making under the National Environmental Policy Act and other related Federal environmental laws and authorities.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this final rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. This rule updates and streamlines 24 CFR part 50, which sets forth HUD's regulations governing the protection and enhancement of environmental quality. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule, which revises 24 CFR part 50 in its entirety, finalizes the policies and procedures set forth in the April 5, 1996 proposed rule. Specifically, the rule simplifies, improves, and updates HUD's implementation of responsibilities for environmental review and decision making under the National Environmental Policy Act and the other related Federal environmental laws and authorities. This final rule will have no adverse or disproportionate economic impact on small entities.

Unfunded Mandates Reform Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), that this rule does not impose a Federal mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

Catalog of Federal Domestic Assistance

The program numbers are 14.128–14.900. Also see section III. of this preamble.

List of Subjects in 24 CFR Part 50

Environmental quality, Environmental protection, Environmental review policy and procedures, Environmental assessment, Environmental impact statement, Compliance record.

Accordingly, 24 CFR part 50 is revised to read as follows:

PART 50—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Subpart A—General: Federal Laws and Authorities

Subpart B—General Policy: Responsibilities and Program Coverage

Subpart C—General Policy: Decision Points

Subpart D—General Policy: Environmental Review Procedures

Subpart E—Environmental Assessments and Related Reviews

Authority: 42 U.S.C. 3535(d) and 4332; and Executive Order 11991, 3 CFR, 1977 Comp., p. 123.

Subpart A—General: Federal Laws and Authorities

§ 50.1 Purpose, authority, and applicability.

(a) This part implements the policies of the National Environmental Policy Act (NEPA) and other environmental requirements (as specified in § 50.4).

(b) NEPA (42 U.S.C. 4321 *et seq.*), establishes national policy, goals and procedures for protecting, restoring and enhancing environmental quality. NEPA is implemented by Executive Order 11514 of March 5, 1970, (3 CFR, 1966—1970 Comp., p. 902) as amended by Executive Order 11991 of May 24, 1977, (3 CFR, 1977 Comp., p. 123) and by the Council on Environmental Quality (CEQ) Regulations, 40 CFR parts 1500–1508.

(c) The regulations issued by CEQ at 40 CFR parts 1500–1508 establish the basic procedural requirements for compliance with NEPA. These procedures are to be followed by all Federal agencies and are incorporated by reference into this part. This part, therefore, provides supplemental instructions to reflect the particular nature of HUD programs, and is to be used in tandem with 40 CFR parts 1500–1508 and regulations that implement authorities cited at § 50.4.

(d) These regulations apply to all HUD policy actions (as defined in § 50.16), and to all HUD project actions (see § 50.2(a)(2)). Also, they apply to projects and activities carried out by recipients subject to environmental policy and procedures of 24 CFR part 58, when the recipient that is regulated under 24 CFR part 58 claims the lack of legal capacity to assume the Secretary's environmental review responsibilities and the claim is approved by HUD or when HUD determines to conduct an environmental review itself in place of a nonrecipient responsible entity. For programs, activities or actions not specifically identified or when there are questions regarding the applicability of this part, the Assistant Secretary for Community Planning and Development shall be consulted.

§ 50.2 Terms and abbreviations.

(a) The definitions for most of the key terms or phrases contained in this part appear in 40 CFR part 1508 and in the authorities cited in § 50.4.

The following definitions also apply to this part:

Environmental review means a process for complying with NEPA (through an EA or EIS) and/or with the laws and authorities cited in § 50.4.

HUD approving official means the HUD official authorized to make the approval decision for any proposed policy or project subject to this part.

Project means an activity, or a group of integrally-related activities, undertaken directly by HUD or proposed for HUD assistance or insurance.

(b) The following abbreviations are used throughout this part:

AS/CPD—Assistant Secretary for Community Planning and Development.

CEQ—Council on Environmental Quality

EA—Environmental Assessment

EIS—Environmental Impact Statement

FONSI—Finding of No Significant Impact

HUD—Department of Housing and Urban Development

NEPA—National Environmental Policy Act

NOI/EIS—Notice of Intent to Prepare an Environmental Impact Statement

§ 50.3 Environmental policy.

(a) It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm.

(b) The HUD approving official shall consider environmental and other Departmental objectives in the decisionmaking process.

(c) When EA's or EIS's or reviews under § 50.4 reveal conditions or safeguards that should be implemented once a proposal is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards must be included in agreements or other relevant documents.

(d) A systematic, interdisciplinary approach shall be used to assure the integrated use of the natural and social sciences and the environmental design arts in making decisions.

(e) Environmental impacts shall be evaluated on as comprehensive a scale as is practicable.

(f) HUD offices shall begin the environmental review process at the earliest possible time so that potential conflicts between program procedures and environmental requirements are identified at an early stage.

(g) Applicants for HUD assistance shall be advised of environmental requirements and consultation with governmental agencies and individuals shall take place at the earliest time feasible.

(h) For HUD grant programs in which the funding approval for an applicant's program must occur before the applicant's selection of properties, the application shall contain an *assurance* that the applicant agrees to assist HUD to comply with this part and that the applicant shall:

(1) Supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by this part;

(2) Carry out mitigating measures required by HUD or select alternate eligible property; and

(3) Not acquire, rehabilitate, convert, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received.

(i)(1) It is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

(2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards listed in paragraph (i)(1) of this section.

(3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites or other locations that contain hazardous wastes.

(4) HUD shall require the use of current techniques by qualified professionals to undertake investigations determined necessary.

§ 50.4 Related Federal laws and authorities.

HUD and/or applicants must comply, where applicable, with all environmental requirements, guidelines and statutory obligations under the following authorities and HUD standards:

(a) *Historic properties:* (1) The National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*), as amended.

(2) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (3 CFR, 1971—1975 Comp., p. 559).

(3) The Archaeological and Historic Preservation Act of 1974, which amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*).

(4) Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation—36 CFR part 800).

(b) *Flood insurance, floodplain management and wetland protection:* (1) Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the National Flood Insurance Reform Act of 1994 (Pub.L. 103–325, 108 Stat. 2160).

(2) HUD Procedure for the Implementation of Executive Order 11988 (3 CFR, 1977 Comp., p. 117)—24 CFR part 55, Floodplain Management.

(3) Executive Order 11990 (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

(c) *Coastal areas protection and management.* (1) The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 *et seq.*).

(2) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended.

(d) *Sole source aquifers.* The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 *et seq.*, and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

(e) *Endangered species.* The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended. (See 50 CFR part 402.)

(f) *Wild and scenic rivers.* The Wild and Scenic Rivers Act (16 U.S.C 1271 *et seq.*), as amended.

(g) *Water quality.* The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), and later enactments.

(h) *Air quality.* The Clean Air Act (42 U.S.C. 7401 *et seq.*), as amended. (See 40 CFR parts 6, 51, and 93.)

(i) *Solid waste management.* (1) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*), and later enactments.

(2) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*), as amended.

(j) *Farmlands protection.* The Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*), as amended. (See 7 CFR part 658.)

(k) *HUD environmental standards.* Applicable criteria and standards specified in HUD environmental regulations (24 CFR part 51).

(l) *Environmental justice.* Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859).

Subpart B—General Policy: Responsibilities and Program Coverage

§ 50.10 Basic environmental responsibility.

(a) It is the responsibility of all Assistant Secretaries, the General Counsel, and the HUD approving official to assure that the requirements of this part are implemented.

(b) The Assistant Secretary for Community Planning and Development (A/S CPD), represented by the Office of Community Viability, whose Director shall serve as the Departmental Environmental Clearance Officer (DECO), is assigned the overall Departmental responsibility for environmental policies and procedures for compliance with NEPA and the related laws and authorities. To the extent permitted by applicable laws and the CEQ regulations, the A/S CPD shall approve waivers and exceptions or establish criteria for exceptions from the requirements of this part.

§ 50.11 Responsibility of the HUD approving official.

(a) The HUD approving official shall make an independent evaluation of the environmental issues, take responsibility for the scope and content of the compliance finding, EA or EIS, and make the environmental finding, where applicable. (Also, see § 50.32.)

(b) Copies of environmental reviews and findings shall be maintained in the project file for projects, in the rules docket files for Federal Register publications, and in program files for non-Federal Register policy documents.

Subpart C—General Policy: Decision Points

§ 50.16 Decision points for policy actions.

Either an EA and FONSI or an EIS on all policy actions not meeting the criteria of § 50.19 shall be completed prior to the approval action. Policy actions include all proposed Federal Register policy documents and other policy-related Federal actions (40 CFR 1508.18). The decision as to whether a proposed policy action is categorically excluded from an EA shall be made by the Program Environmental Clearance Officer (PECO) in Headquarters as early as possible. Where the PECO has any doubt as to whether a proposed action qualifies for exclusion, the PECO shall request a determination by the AS/CPD. The EA and FONSI may be combined into a single document.

§ 50.17 Decision points for projects.

Either an EA and FONSI or an EIS for individual projects shall be completed before the applicable program decision points below for projects not meeting the criteria of § 50.20. Compliance with applicable authorities cited in § 50.4 shall be completed before the applicable program decision points below unless the project meets the criteria for exclusion under § 50.19.

(a) *New Construction.* (1) Project mortgage insurance or other financial assistance for multifamily housing projects (including sections 202 and 811), nursing homes, hospitals, group practice facilities and manufactured home parks: Issuance of Site Appraisal and Market Analysis (SAMA) Letter or initial equivalent indication of HUD approval of a specific site;

(2) *Public Housing:* HUD approval of the proposal.

(3) *Loan Guarantee Recovery Fund Program (24 CFR part 573).* HUD issuance of a letter of commitment or initial equivalent indication of HUD approval.

(b) *Rehabilitation projects.* Use the decision points under ''new construction'' for HUD programs cited in paragraph (a) of this section; otherwise the decision point is the HUD project approval.

(c) *Public housing modernization programs.* HUD approval of the modernization grants.

(d) *Property Disposition.* Multifamily structures, college housing, nursing homes, manufactured homes and parks, group practice facilities, vacant land and one to four family structures: HUD approval of the Disposition Program.

(e) *HUD programs subject to 24 CFR part 58.* For cases in which HUD exercises environmental responsibility under this part where a recipient lacks legal capacity to do so or HUD determines to do so in place of a nonrecipient responsible entity under 24 CFR part 58 (see § 50.1(d)), the decision point is: HUD's execution of an agreement or contract, whichever comes first, or in the case of Section 8 Project-Based Certificate Assistance and Moderate Rehabilitation, HUD notification to the Public Housing Agency to proceed with execution of an Agreement to Enter into Housing Assistance Payments (HAP) Contract.

(f) *Section 50.3(h).* Notwithstanding the other paragraphs of this section, the decision point for grant programs in which HUD approval of funding for an applicant's program must occur before the applicant's selection of properties for use in its program is: HUD approval of specific properties.

(g) *Stewart B. McKinney Homeless Assistance Act Programs.* Where the recipients are nonprofit organizations or governmental entities with special or limited purpose powers, the decision point is: HUD project approval.

(h) *Programs not specifically covered in this section.* Consult with the AS/CPD for decision points.

Subpart D—General Policy: Environmental Review Procedures

§ 50.18 General.

HUD may, from time to time, complete programmatic reviews that further avoid the necessity of complying with the laws and authorities in § 50.4 on a property-by-property basis.

§ 50.19 Categorical exclusions not subject to the Federal laws and authorities cited in § 50.4.

(a) The activities listed below are not subject to the individual compliance requirements of the Federal laws and authorities cited in § 50.4, unless otherwise indicated below. These activities are also categorically excluded from the EA required by NEPA except in extraordinary circumstances (§ 50.20(b)). HUD approval or implementation of these categories of activities and related policy actions does not require environmental review, because they do not alter physical conditions in a manner or to an extent that would require review under NEPA or the other laws and authorities cited at § 50.4.

(b)(1) Environmental and other studies, resource identification and the development of plans and strategies.

(2) Information and financial advisory services.

(3) Administrative and management expenses.

(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs.

(5) Inspections and testing of properties for hazards or defects.

(6) Purchase of insurance.

(7) Purchase of tools.

(8) Engineering or design costs.

(9) Technical assistance and training.

(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.

(11) Tenant-based rental assistance.

(12) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services.

(13) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs; however, in the case of equipment, compliance with § 50.4(b)(1) is required.

(14) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations; however, in the case of equipment purchase, compliance with § 50.4(b)(1) is required.

(15) Activities to assist homeownership of existing dwelling units, including closing costs and down payment assistance to home buyers, interest buydowns and similar activities that result in the transfer of title to a property; however, compliance with §§ 50.4 (b)(1) and (c)(1) and 51.303(a)(3) is required.

(16) Housing pre-development costs including legal, consulting, developer and other costs related to site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(17) HUD's endorsement of one-to-four family mortgage insurance under the Direct Endorsement program and HUD's acceptance for insurance of loans under Title I of the National Housing Act; however, compliance with §§ 50.4 (b)(1) and (c)(1) and 51.303(a)(3) is required.

(18) HUD's endorsement of one-to-four family mortgage insurance for proposed construction under Improved Area processing; however, the Appraiser/Review Appraiser Checksheet (Form HUD–54891) must be completed.

(19) Activities of the Government National Mortgage Association under Title III of the National Housing Act (12 U.S.C. 1716 *et seq.*).

(20) Activities under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 *et seq.*).

(21) Refinancing of HUD-insured mortgages that will not allow new construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance; however, compliance with § 50.4(b)(1) is required.

(22) Approval of the sale of a HUD-held mortgage.

(23) Approval of the foreclosure sale of a property with a HUD-held mortgage; however, appropriate restrictions will be imposed to protect historic properties.

(c)(1) Approval of policy documents that do not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate property acquisition, disposition, lease, rehabilitation, alteration, demolition, or new construction, or set out or provide for standards for construction or construction materials, manufactured housing, or occupancy;

(2) Approval of policy documents that amend a previous document where the underlying document as a whole would not fall within the exclusion but the amendment by itself would do so;

(3) Approval of policy documents that set out fair housing or nondiscrimination standards or provide for assistance in promoting or enforcing fair housing or nondiscrimination;

(4) Approval of handbooks, notices and other documents that provide operating instructions and procedures in connection with activities under a Federal Register document that has previously been subject to a required environmental review.

(5) Approval of a Notice of Funding Availability (NOFA) that provides funding under, and does not alter environmental requirements of, a regulation or program guideline that was previously published in the Federal Register, provided that the NOFA specifically refers to the environmental review provisions of the regulation or guideline.

(6) Statutorily required and/or discretionary establishment and review of interest rates, loan limits, building cost limits, prototype costs, fair market rent schedules, HUD-determined prevailing wage rates, and similar rate and cost determinations and related external administrative or fiscal requirements or procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites.

§ 50.20 Categorical exclusions subject to the Federal laws and authorities cited in § 50.4.

(a) The following actions, activities and programs are categorically excluded from the NEPA requirements of this part. They are not excluded from individual compliance requirements of other environmental statutes, Executive orders and HUD standards cited in § 50.4, where appropriate. Form HUD–4128 shall be used to document compliance. Where the responsible official determines that any item identified below may have an environmental effect because of extraordinary circumstances (40 CFR 1508.4), the requirements of NEPA shall apply (see paragraph (b) of this section).

(1) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

(2) Rehabilitation of structures when the following conditions are met:

(i) In the case of residential buildings, the unit density is not changed more than 20 percent;

(ii) The project does not involve changes in land use (from non-residential to residential or from residential to non-residential); and

(iii) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(3) An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

(4) Acquisition or disposition of, or equity loans on, an existing structure.

(5) Purchased or refinanced housing and medical facilities under section 223(f) of the National Housing Act (12 U.S.C. 1715n).

(6) Mortgage prepayments or plans of action (including incentives) under 24 CFR part 248.

(b) For categorical exclusions having the potential for significant impact because of extraordinary circumstances, HUD must prepare an EA in accordance with subpart E. If it is evident without preparing an EA that an EIS is required pursuant to § 50.42, HUD should proceed directly to the preparation of an EIS in accordance with subpart F.

§ 50.21 Aggregation.

Activities which are geographically related and are logical parts of a composite of contemplated HUD projects shall be evaluated together.

§ 50.22 Environmental management and monitoring.

An Environmental Management and Monitoring Program shall be established prior to project approval when it is deemed necessary by the HUD approving official. The program shall be part of the approval document and must:

(a) Be concurred in by the Field Environmental Clearance Officer (FECO) (in the absence of a FECO, by the Program Environmental Clearance Officer in Headquarters) and any cooperating agencies;

(b) Contain specific standards, safeguards and commitments to be completed during project implementation;

(c) Identify the staff who will be responsible for the post-approval inspection; and

(d) Specify the time periods for conducting the evaluation and monitoring the applicant's compliance with the project agreements.

§ 50.23 Public participation.

HUD shall inform the affected public about NEPA-related hearings, public meetings, and the availability of environmental documents (see 40 CFR 1506.6(b)) in accordance with this section. Where project actions result in a FONSI, the FONSI will be available in the project file. The local HUD field office may be contacted by persons who wish to review the FONSI. In all cases, HUD shall mail notices to those who have requested them. Additional efforts for involving the public in specific notice or compliance requirements shall be made in accord with the implementing procedures of the laws and authorities cited in § 50.4. Notices pertaining to an EIS or an amendment to an EIS or a FONSI subject to § 50.34 shall be given to the public in accordance with paragraphs (a) through (d) of this section.

(a) A NOI/EIS shall be forwarded to the AS/CPD to the attention of the Departmental Environmental Clearance Officer for publication in the Federal Register.

(b) Notices will be bilingual if the affected public includes a significant portion of non-English speaking persons and will identify a date when the official public involvement element of the proposed action is to be completed and HUD internal processing is to continue.

(c) All required notices shall be published in an appropriate local printed news medium, and sent to individuals and groups known to be interested in the proposed action.

(d) All notices shall inform the public where additional information may be obtained.

§ 50.24 HUD review of another agency's EIS.

Where another agency's EIS is referred to the HUD Field Office in whose jurisdiction the project is located, the Field Environmental Clearance Officer shall determine whether HUD has an interest in the EIS and, if so, will review and comment. Any EIS received from another Federal agency requesting comment on legislative proposals, regulations, or other policy documents shall be sent to the AS/CPD for comment, and the AS/CPD shall provide the General Counsel the opportunity for comment.

Subpart E—Environmental Assessments and Related Reviews

§ 50.31 The EA.

(a) Form HUD–4128—Environmental Assessment and Compliance Findings for the Related Laws—is the EA form to be used for analysis and documentation by HUD for projects and activities under subpart E. The Departmental Environmental Clearance Officer shall approve the issuance of equivalent formats, if Form HUD–4128 does not meet specific program needs.

(b) The program representative shall obtain interdisciplinary assistance from professional experts and other HUD staff as needed. Additional information may also be requested of the sponsor/applicant. HUD is responsible for assessing and documenting the extent of the environmental impact.

§ 50.32 Responsibility for environmental processing.

The program staff in the HUD office responsible for processing the project application or recommending a policy action is responsible for conducting the compliance finding, EA, or EIS. The collection of data and studies as part of the information contained in the environmental review may be done by an applicant or the applicant's contractor. The HUD program staff may use any information supplied by the applicant or contractor, provided HUD independently evaluates the information, will be responsible for its accuracy, supplements the information, if necessary, to conform to the requirements of this part, and prepares the environmental finding. Assessments for projects over 200 lots/dwelling units or beds shall be sent to the Field Environmental Clearance Officer (FECO) or, in the absence of a FECO, to the Program Environmental Clearance

Officer in Headquarters for review and comment.

§ 50.33 Action resulting from the assessment.

(a) A proposal may be accepted without modifications if the EA indicates that the proposal will not significantly (see 40 CFR 1508.27) affect the quality of the human environment and a FONSI is prepared.

(b) A proposal may be accepted with modifications provided that:

(1) Changes have been made that would reduce adverse environmental impact to acceptable and insignificant levels; and

(2) An Environmental Management and Monitoring Program is developed in accordance with § 50.22 when it is deemed necessary by the HUD approving official.

(c) A proposal should be rejected if significant and unavoidable adverse environmental impacts would still exist after modifications have been made to the proposal and an EIS is not prepared.

(d) A proposal (if not rejected) shall require an EIS if the EA indicates that significant environmental impacts would result.

§ 50.34 Time delays for exceptional circumstances.

(a) Under the circumstances described in this section, the FONSI must be made available for public review for 30 calendar days before a final decision is made whether to prepare an EIS and before the HUD action is taken. The circumstances are:

(1) When the proposed action is, or is closely similar to, one which normally requires the preparation of an EIS pursuant to § 50.42(b) but it is determined, as a result of an EA or in the course of preparation of a draft EIS, that the proposed action will not have a significant impact on the human environment; or

(2) When the nature of the proposed action is without precedent and does not appear to require more than an assessment.

(b) In such cases, the FONSI must be concurred in by the AS/CPD and the Program Environmental Clearance Officer. Notice of the availability of the FONSI shall be given to the public in accordance with paragraphs (a) through (d) of § 50.23.

§ 50.35 Use of prior environmental assessments.

When other Federal, State, or local agencies have prepared an EA or other environmental analysis for a proposed HUD project, these documents should be requested and used to the extent possible. HUD must, however, conduct the environmental analysis and prepare the EA and be responsible for the required environmental finding.

§ 50.36 Updating of environmental reviews.

The environmental review must be re-evaluated and updated when the basis for the original environmental or compliance findings is affected by a major change requiring HUD approval in the nature, magnitude or extent of a project and the project is not yet complete. A change only in the amount of financing or mortgage insurance involved does not normally require the environmental review to be re-evaluated or updated.

Subpart F—Environmental Impact Statements

§ 50.41 EIS policy.

EIS's will be prepared and considered in program determinations pursuant to the general environmental policy stated in § 50.3 and 40 CFR 1505.2 (b) and (c).

§ 50.42 Cases when an EIS is required.

(a) An EIS is required if the proposal is determined to have a significant impact on the human environment pursuant to subpart E.

(b) An EIS will normally be required if the proposal:

(1) Would provide a site or sites for hospitals or nursing homes containing a total of 2,500 or more beds; or

(2) Would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under § 50.20), or which would result in the construction or installation of 2,500 or more housing units, or which would provide sites for 2,500 or more housing units.

(c) When the environmental concerns of one or more Federal authorities cited in § 50.4 will be affected by the proposal, the cumulative impact of all such effects should be assessed to determine whether an EIS is required. Where all of the affected authorities provide alternative procedures for resolution, those procedures should be used in lieu of an EIS.

§ 50.43 Emergencies.

In cases of national emergency and disasters or cases of imminent threat to health and safety or other emergency which require the taking of an action with significant environmental impact, the provisions of 40 CFR 1506.11 and of any applicable § 50.4 authorities which provide for emergencies shall apply.

Dated: September 19, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–24660 Filed 9–26–96; 8:45 am]

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Federal Register

Friday
September 27, 1996

Part IV

Department of the Treasury

Fiscal Service

31 CFR Part 356

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93); Proposed Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 356

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93)

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The Department of the Treasury (''Department'' or ''Treasury'') is proposing for comment an amendment to 31 CFR Part 356 (Uniform Offering Circular for the Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds). This proposed amendment makes changes necessary to accommodate the public offering of new Treasury inflation-protection securities by the Department. In addition, the proposed amendment makes certain technical clarifications and conforming changes.

DATES: Comments must be received on or before October 28, 1996.

ADDRESSES: This proposed rule has also been made available for downloading from the Bureau of the Public Debt home page at the following address: http://www.ustreas.gov/treasury/bureaus/pubdebt/pubdebt.html. Written comments should be sent to: Government Securities Regulations Staff, Bureau of the Public Debt, 999 E Street N.W., Room 515, Washington, D.C. 20239–0001. Comments may also be sent through the Internet to the Government Securities Regulations Staff at commoffc@bpd.treas.gov. When sending comments by the Internet, please use an ASCII file format and provide your full name and mailing address. Comments received will be available for public inspection and downloading on the Internet and for public inspection and copying at the Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT: Ken Papaj (Director), Lee Grandy, Chuck Andreatta or Kurt Eidemiller (Government Securities Specialists), Bureau of the Public Debt, Government Securities Regulations Staff, (202) 219–3632.

SUPPLEMENTARY INFORMATION:

I. Background

31 CFR Part 356, also referred to as the uniform offering circular, sets out the terms and conditions for the sale and issuance by the Department of the Treasury to the public of marketable Treasury bills, notes, and bonds. The uniform offering circular, in conjunction with offering announcements, represents a comprehensive statement of those terms and conditions.[1]

The Department has decided to offer a new type of security, referred to as a Treasury inflation-protection security,[2] whose principal value will be adjusted for inflation as measured by the United States Government. The Department believes the issuance of these new inflation-protection securities will reduce interest costs to the Treasury over the long term and will broaden the types of debt instruments available to investors in U.S. financial markets.

A. Summary

As explained in more detail below, after considering the comments provided, Treasury has made the following decisions concerning its offering of inflation-protection securities with the goal of achieving the broadest market appeal. The inflation-protection securities will be structured, with some modifications, based on the model of the Real Return Bonds currently issued by the Government of Canada. The principal of the security will be adjusted for changes in the level of inflation. Semiannual interest payments will be made based on a constant rate of interest determined at auction. The index for measuring the inflation rate for the inflation-protection securities will be the non-seasonally adjusted U.S. City Average All Items Consumer Price Index for All Urban Consumers published monthly by the Bureau of Labor Statistics of the U.S. Department of Labor.

Further, the Department has decided to begin auctioning 10-year inflation-protection notes in January 1997 and quarterly thereafter. Specific terms and conditions of each issue will be announced prior to each auction. Additional maturities, such as 30-year bonds or 2 to 5-year notes, are expected to be auctioned later in 1997.

The principal value of the securities will be adjusted semiannually for inflation by multiplying the stated value at issuance, or par amount, by an index ratio. The index ratio is the reference CPI applicable to a particular valuation day divided by the reference CPI applicable to the original issue date. The inflation adjustment will not be payable until maturity, when the securities will be redeemed at their inflation-adjusted principal amount. The securities will be issued with a stated rate of interest that remains constant until maturity. Interest payments for a particular security will be determined by multiplying the inflation-adjusted principal by one half of the stated rate of interest on each semiannual interest payment date.

Inflation-protection notes will be issued with maturities of at least one year but no more than ten years. Inflation-protection bonds will be issued with maturities of more than ten years. The inflation-protection securities will be sold at discount, par, or premium and will pay interest semiannually. The auctions for inflation-protection securities will be conducted as single-price auctions in which competitive bidders will bid in terms of a desired real yield (yield prior to inflation adjustment), expressed as a percentage with three decimals, e.g., 3.630%. The interest rate established as a result of the auction will be set at one-eighth of one percent increments that produce the price closest to, but not above, par when evaluated at the highest real yield at which bids were accepted. The offering announcement issued by the Department for each new inflation-protection security offering will contain the specific details for that offering.

The inflation-protection securities will be eligible for STRIPS (Separate Trading of Registered Interest and Principal of Securities) immediately upon their issuance by the Treasury. The securities, and their related stripped components, will also be eligible to serve as collateral for Treasury Tax and Loan, Circular 176, and Circular 154 accounts. Anyone interested in the use of inflation-protection securities, and their related stripped components, for such collateral purposes should refer to the relevant Financial Management Service circulars for more information.

B. Participation in Rulemaking Process/ Solicitation of Comments

The Department believes that extensive discussion about, and participant involvement in, the design of the inflation-protection security is critical and will result in a new investment product that will have wider acceptance and broader market appeal.

[1] The uniform offering circular was published as a final rule on January 5, 1993 (58 FR 412). Amendments to the circular were published on June 3, 1994 (59 FR 28773), March 15, 1995 (60 FR 13906), July 16, 1996 (61 FR 37007), and August 23, 1996 (61 FR 43626).

[2] This Part is being revised to accommodate offerings of both inflation-protection notes and inflation-protection bonds in order to give the Department the flexibility to issue both types of inflation-protection securities in the future. However, the Department initially plans to offer only one maturity for inflation-protection securities.

In developing the structure and design features of the inflation-protection security, the Department used a wide variety of approaches to obtain the views of potential investors and market participants. It issued an Advance Notice of Proposed Rulemaking (ANPR) on May 20, 1996.[3] The ANPR stated the Department's intention to issue a new type of marketable book-entry security with a nominal return linked to the inflation rate, addressed several approaches and issues to be considered in developing the features of the security and the terms and conditions for its sale to the public, and solicited comments and suggestions. Specifically, the Treasury sought comments concerning the choice of inflation index, structure of the security, auction technique, offering sizes, and maturities. Comments were also solicited on any other issues that would be relevant to the issuance of a Treasury marketable inflation-protection security.

The original 30-day public comment period on the ANPR was subsequently extended through July 3, 1996,[4] to allow for the submission of additional views and suggestions. On July 24, 1996 the Department held a public symposium, announced through an additional ANPR,[5] to discuss the advantages and disadvantages of certain proposed security structures under consideration. In addition to announcing this symposium to discuss the proposed features, the second ANPR posed additional specific questions regarding the proposed features and requested written comments in response.

Since announcing Treasury's intention to issue inflation-protection securities in May 1996, the Department staff has also held more than 30 meetings with more than 800 investors, dealers, and other interested parties in Washington, D.C., New York, Boston, Chicago, San Francisco, London, and Tokyo, and by teleconference with Melbourne and Sydney. These meetings provided forums for exchanges of ideas and opinions, and for interested parties to provide their views on the proposed new security. In developing the design and structural terms of the inflation-protection security and the proposed rule, Department staff has also spoken and consulted with various government officials and market participants in Canada, the United Kingdom, and Australia, countries that currently issue inflation-indexed securities, to gather information on their respective countries' experience with this type of security.

II. Consultation and Comments

A. Introduction

The Department has received 55 comment letters, summarized herein, in response to the two ANPRs. The letters and comments were submitted by a wide range of individuals, academicians, investment management firms, dealers and institutional investors. Specifically, 6 letters were received from trade, legal and/or research organizations; 11 letters from primary government securities dealers; 7 letters from finance and economics professors; 20 letters from commercial banking, advisory, and institutional and individual investment management firms; and 11 letters from individual investors.[6] In addition, the Department received numerous comments and suggestions from the investor meetings.

While spanning a wide spectrum, with a few commenters not supporting the issuance of an inflation-indexed security, the overwhelming majority of commenters favored and supported the issuance of such a marketable security. A few letters suggested that a non-marketable security, such as a modified U.S. Savings Bond, might be a better inflation-protection investment vehicle.

The comments, while varied, expressed several consistent and reoccurring themes. These themes included the need for simplicity in structure and ease in understanding, the need for liquidity in the issues of inflation-protection securities, and a preference to have the new security conform as much as possible to Treasury's currently issued securities (e.g., use the same auction technique). Generally, there was a desire to avoid the introduction of a security that would differ widely from current market patterns and practices.

The Department has carefully considered all of the comments that were received. While the written comments are summarized below, each comment letter did not necessarily address all aspects of the proposed new security for which comments were solicited. The comments have been summarized and organized into the following five basic categories: the choice of inflation index, the type of structure, taxation issues, auction technique and initial offering amounts, and maturities.

B. Choice of Inflation Index

Many commenters discussed the advantages and disadvantages of the various potential indices that could be used to measure inflation, including the indices on which the Department specifically requested comments: the Consumer Price Index for All Urban Consumers (CPI–U), the core CPI (the CPI–U minus the food and energy components of the CPI–U), the Gross Domestic Product (GDP) deflator, and the Employment Cost Index (ECI). Comments were also requested on whether a seasonally or non-seasonally adjusted series would be preferred. The letters indicated a clear consensus that the selected index should be: recognized widely, published frequently, accurate, easily obtainable, easily understood, and not revised retroactively. While each index had some support, the vast majority of those who commented on the index selection advocated that the Consumer Price Index (CPI–U) would be the most appropriate index. Many of those who recommended using the CPI–U noted that it measures the price changes for the market basket of goods and services that most investors are concerned about. Additionally, they noted that it is most similar to the indices used by other countries that currently issue indexed debt, and thus would facilitate understanding the terms of the security.

C. Structure

The ANPRs proposed several structures and design features on which an inflation-protection security could be modelled. These models included: (1) A Canadian-style structure, which is a modification of the United Kingdom's index-linked gilts, in which interest is paid semiannually and the principal amount is adjusted for inflation, so that the inflation-adjusted principal and interest payments remain the same in constant dollars; (2) a zero-coupon structure; (3) a structure that would pay out principal and interest in periodic intervals, similar to a price level adjusted mortgage; and (4) a current-pay structure where all the inflation compensation and real interest is paid out semiannually. Aside from the commenters' opinions on the choice of index, the discussion of possible structures and security design features generated the most discussion and reaction since this decision would directly affect such issues as liquidity, when income is paid, investor appeal and preference, and cost of issuance to Treasury.

All of the proposed structures were commented on, with at least one

[3] 61 FR 25164 (May 20, 1996).
[4] 61 FR 31072 (June 19, 1996).
[5] 61 FR 38127 (July 23, 1996).

[6] Several commenters submitted more than one letter, with each letter counted separately in arriving at the total count of 55 letters. All of the comment letters and summaries of the investor meetings are available to the public.

commenter supporting each structure. However, the one structure that was discussed the most and was supported by the majority of commenters was the one modelled on the Real Return Bonds currently issued by the Government of Canada.

After the first ANPR was published, some commenters at the investor meetings suggested that a fourth alternative, the current-pay structure, be considered. Therefore, a second ANPR was published to solicit views on this alternative and to determine which of these structures commenters preferred. In response to the second ANPR, the majority of commenters still preferred the Canadian structure.

Many commenters expressed the view that inflation-protection securities should be eligible for stripping as soon as possible, preferably beginning with the first issue, since stripping would meet market demand for different maturities which would effectively provide for a full term structure of real interest rates. It was generally believed that the Canadian structure would make stripping easier.

There was strong support for reopenings of these securities with a general belief that reopenings would be important for market liquidity and thus would lower Treasury's borrowing costs. Several commenters favored reopenings to prevent market problems due to shortages in an issue. Other commenters believed that the interest paid on the security, rather than the principal amount, should be indexed to the CPI, essentially providing for a floating-rate security. The majority of commenters, however, said they would prefer a Canadian-style security over the current-pay structure.

D. Taxation

The subject of taxation on income earned on the securities was addressed by many respondents. Several advocated that only the interest actually paid should be taxable in the year received, while the inflation adjustment, if accrued rather than paid, should be taxable when actually received by the investor. There was much discussion about whether or not the taxation of the inflation adjustment might reduce demand by non-tax-advantaged investors and that, with the proposed tax treatment, primarily tax-advantaged investors would be initial purchasers and holders of these securities. Other commenters advocated that, regardless of the tax treatment, the tax rules should be easy to understand and administer. Others stated that any inflation adjustment payments should not be taxed.

E. Auction Technique and Initial Offering Amounts

Several commenters addressed the proposed auction technique. As stated in the first ANPR, Treasury proposed that a single-price auction format be adopted with three different bidding options given for consideration. The comments overwhelmingly favored an auction technique with which the market is familiar. These commenters supported the use of the single-price auction format with competitive bids expressed on a real yield basis. The majority of the commenters recommended that interest rates be set in one-eighth of one percent increments that would result in a price at or just below par. Several of these commenters believed this would simplify stripping and facilitate reopenings of the issue. The auction processes recommended by the commenters essentially conform to those techniques currently employed by the Department.

The Department also requested comments on the appropriate size of the initial offering amounts of the auctions and stated its intention to increase the offering sizes over time. Commenters generally supported issues with offering amounts in the $2–$5 billion range, increased over time through reopenings.

In the first ANPR, comments were solicited on whether the Treasury should announce, prior to an auction of an inflation-protection security, that it retains, and may exercise, the option to award an amount greater or less than the announced public offering amount. Those commenters who addressed this issue stated that, while they acknowledged Treasury's right to award more or less than the announced public offering amount, such right should be exercised only under extreme circumstances. A general view was that awarding more or less than the stated offering amount would be inconsistent with Treasury's long-standing policy of regular and predictable debt issuance and would contribute to market uncertainty.

F. Maturities

The subject of which maturities the Department should offer resulted in a large number of comments. The ANPR had proposed maturities of either 10 or 30 years. Those who attended the investor meetings, in general, preferred an intermediate-term security, such as a 10-year note, indicating that a 30-year maturity would be too long for the probable investors in this type of security. Some of the written comments stated that the issuance of an inflation-protection security should initially be in the 10-year range, with a 30-year bond being included later on a regular basis. Others advocated the reverse pattern, with an initial 30-year bond issuance followed by a 10-year note. Several of the letters recommending a longer-term maturity stated that, through stripping, any investor demand for shorter-term inflation-protection securities could be met. Some argued that 10–30 years would be too long. Some also commented that, with limited knowledge of investor preferences prior to implementation of these new securities, some experimentation with different maturity sectors would be appropriate.

Several commenters expressed an interest in a shorter-term security, such as one with a 2–5 year maturity. Some commenters expressed the view that a broad range of maturities covering the short, intermediate, and long ends of the maturity spectrum, or a variation that would provide for a series of maturities in 5-year intervals, should be provided to promote liquidity and meet demand by investors with various maturity horizons.

Some commenters believed that, regardless of the maturities selected, inflation-protection securities should be auctioned at the same time as Treasury's fixed-principal securities with the same, or similar, maturities, believing that this would result in better pricing and liquidity. Others took the opposite view and recommended that the auctions not be part of the quarterly refundings because of the already large amounts of Treasury securities that are auctioned at those times.

G. Other

Additional comments expressed support for the development of futures and other derivative instruments to ensure a deep and liquid market; opposition to a minimum payment guarantee in the belief that this might put downward pressure on the security's price over time; and the need to disclose potential market or interest rate risk to all investors, particularly retail investors, who otherwise might not be aware that there could be a period of negative real return.

III. Section-by-Section Analysis

Based largely on the comments received in response to the ANPRs and the feedback obtained in the various investor meetings, the Department has decided to issue inflation-protection securities similar to the Real Return Bonds issued by the Government of Canada. The proposed securities also are more similar to inflation-indexed securities that have been issued in other

countries, such as the United Kingdom, than they are to the other alternative structures presented in the ANPRs. Under the Canadian structure, the principal amount of the security is adjusted for inflation so that the adjusted value remains the same in constant dollars. The interest rate remains fixed throughout the life of the security, and interest payments are based on the security's inflation-adjusted principal at the time the interest is paid.

The Department believes that the similarity of the proposed structure to inflation-indexed securities issued by other countries is a positive feature. Since many investors are already familiar with this structure, the liquidity of the security on a global basis may be enhanced. In addition, the two structures presented in the ANPRs that would have provided greater cash flows (i.e., paying out the inflation adjustment of the principal and/or interest at periodic intervals) during the period the security was outstanding were not selected because they would have been more complicated and would have carried more reinvestment risk than the Canadian model securities. The other structure presented in the first ANPR, a zero-coupon inflation-indexed security, is being accommodated by making the inflation-protection securities eligible for stripping in the commercial book-entry system, i.e., TRADES (Treasury/Reserve Automated Debt Entry System), immediately upon issuance.

Of the price or wage indices under consideration, the non-seasonally adjusted CPI–U was selected because it is the best known and most widely accepted measure of inflation. This index was also the choice of a substantial majority of commenters to the ANPRs.

Commenters also advocated using the same auction process (e.g., bidding procedures) for inflation-protection securities that is currently used for other marketable Treasury securities. Accordingly, Treasury has decided to use a single-price auction, with bidding on the basis of real yield, expressed with three decimals. The interest rate will be set at the one-eighth of one percent increment that produces the price closest to, but not more than, par when evaluated at the highest real yield awarded to competitive bidders.

As is the case with all marketable Treasury securities, the size and specific terms of the initial issue of the inflation-protection security will be announced shortly before the first auction. The Treasury intends to begin by issuing 10-year inflation-protection notes on January 15, 1997, and on a quarterly basis thereafter (i.e., the 15th of April, July, October and January). Additional maturities are expected to be auctioned within a year of the first auction of 10-year notes.

This proposed amendment, when finalized, would make the necessary revisions to accommodate the sale and issuance of marketable book-entry Treasury inflation-protection securities. This rule would amend §§ 356.2, 356.3, 356.5, 356.10, 356.12, 356.13, 356.17, 356.20, 356.25, 356.30, 356.31, 356.32, Appendix B, and Exhibit A of the uniform offering circular. This rule also would create two new appendices—Appendix C and Appendix D.

A. Definitions

Specifically, the terms ''business day,'' ''Consumer Price Index,'' ''daily interest decimal,'' ''index,'' ''index ratio,'' ''inflation-adjusted principal,'' ''real yield'' and ''reference CPI'' have been added to the listing of definitions in § 356.2.

Several other definitions have been slightly modified to incorporate minor conforming changes. For instance, the definition of ''book-entry security'' has been modified by adding a sentence referencing the two systems in which marketable Treasury book-entry securities may be held—TRADES and TREASURY DIRECT. Also, the definition of ''par amount'' has been modified slightly to indicate that the term refers to the stated value of a security at original issuance (i.e., the date from which interest accrues). The meaning of the term, however, essentially remains unchanged. For example, for Treasury bills and fixed-principal securities, the par amount still is the principal amount to be paid at maturity. For inflation-protection securities, par amount does not include an inflation adjustment after issuance. Further, par amount refers to the amount at which all marketable Treasury securities (including inflation-protection securities) will be maintained and transferred in TRADES or TREASURY DIRECT.

The definition of ''settlement amount'' also has been modified to indicate that, for inflation-protection securities, such amount includes an inflation adjustment, if any. This could happen in the case of reopenings or when the date interest begins to accrue is different from the actual issue date. For fixed-principal securities, the definition of settlement amount is unchanged. Readers should refer to Appendix B, Section III, for examples of settlement amount computations for inflation-protection securities.[7]

B. Conforming Changes

Changes have been made to § 356.3 to reflect more completely the operation of TRADES. In this system, marketable Treasury book-entry securities are held through a tiered system of ownership, and Treasury discharges its payment obligation when payment is credited to a person's or entity's account maintained at a Federal Reserve Bank. The system is described in Treasury's rules for Treasury securities held in TRADES.[8] The changes to § 356.3 also clarify Treasury's payment obligation with respect to Treasury securities held in the TREASURY DIRECT system. This section has also been modified to note that inflation-protection securities are maintained and transferred at their par amount in both systems. Adjustments for inflation are not included in the par amount.

In § 356.5, the description of Treasury securities has been modified to distinguish between Treasury securities with fixed-principal amounts and those whose principal amounts will be adjusted for inflation. The Department will nonetheless continue to refer to securities with a fixed-principal amount as ''Treasury notes'' or ''Treasury bonds'' in official Treasury publications, such as the offering announcement and auction results press release, as well as in auction systems. Securities whose principal amounts will be adjusted for inflation will be referred to as ''Treasury inflation-protection notes'' or ''Treasury inflation-protection bonds.'' New paragraphs (b)(2) and (c)(2) provide a brief description of such inflation-protection securities.

In paragraph 356.12(a), a change has been made to clarify that, for reopenings of all securities, bidding will be in terms of par amount. It is noted, however, that in the case of reopenings of inflation-protection securities, the par amount of awarded bids will be multiplied by the applicable index ratio for the additional (reopening) issue date to determine the settlement amount. Treasury will provide this index ratio in the offering announcement for the reopened security. Readers are referred to Appendix B, Section III, Paragraph B of the proposed rules for an example that

[7] The examples in Appendix B, Section II, pertaining to price computations for fixed-principal securities do not include settlement amount calculations. However, settlement amounts in those examples can be derived by multiplying the price in terms of a percentage of par by the awarded par amount and by adding to that amount any accrued interest.

[8] 61 FR 43626 (August 23, 1996).

illustrates how bids are to be submitted and how the settlement amount will be calculated for a reopening of an inflation-protection security.

A modification has been made to paragraph 356.12(b)(2) under ''additional restrictions'' to bidding in auctions. This modification clarifies that a noncompetitive bid cannot be made by any bidder who has held, at any time between the offering announcement and the closing time for receipt of competitive tenders, a position in when-issued trading or in futures or forward contracts in the security being auctioned. This clarifying change is consistent with Treasury's current application of this provision of the uniform offering circular.

In § 356.13, changes have been made to highlight the fact that the net long position reporting threshold amount will always be provided in the offering announcement for each security. This is consistent with Treasury's current practice. The net long position reporting threshold will continue to be $2 billion for bills, notes, and bonds unless otherwise stated in the offering announcement. For example, the Department anticipates that the net long position reporting threshold for smaller securities offerings, such as initial offerings of inflation-protection securities and certain cash management bills, may be lower than $2 billion. As is currently the case, the provisions of the offering announcement control whenever any provision of the offering announcement is inconsistent with any provision of the uniform offering circular. (See 31 CFR § 356.10.)

Paragraphs 356.17(a) and (b) contain minor conforming clarifications to reflect that bidders submitting payment with their tender may have to include, in addition to announced accrued interest, an inflation-adjustment amount with their payment.

In § 356.20, paragraph (c)(2) has been expanded to clarify that, for inflation-protection securities, the price for securities awarded to competitive and noncompetitive bidders reflects the highest real yield at which bids were accepted.

No changes have been made to the current $500 million customer confirmation threshold in § 356.24(d). Thus, any customer awarded a par amount of $500 million or more of an inflation-protection security is required to furnish to the Federal Reserve Bank to which the bid was submitted a confirmation of its bid and net long position, if any. As with the net long position threshold, if the Department modifies the customer confirmation threshold for any particular auction, the revised customer confirmation threshold will be stated in the offering announcement for that auction, and the offering announcement will govern.

A conforming change has been made to paragraph 356.25(a)(2) to state that additional amounts due at settlement may include inflation adjustments. Additionally, a new paragraph (c) has been added to § 356.25 to provide that the payment amount for awarded securities will be the settlement amount, as that term is defined in § 356.2.

The last sentence in § 356.30(a) has been modified to reflect that the term ''business day'' has been added as a defined term to § 356.2.

A new paragraph (b) has been added to § 356.30 to guarantee an investor's par amount of inflation-protection securities. If at maturity the inflation-adjusted principal is less than the par amount of the security, an additional amount will be paid at maturity so that the additional amount plus the inflation-adjusted principal equals the par amount. However, interest payments will always be based on the inflation-adjusted principal.

New paragraphs (c), (d), (e), and (f) have been added to § 356.31 to provide separate descriptions of principal and interest components stripped from fixed-principal and inflation-protection securities. Paragraphs (d) and (f), respectively, distinguish between interest components stripped from fixed-principal securities and interest components stripped from inflation-protection securities in regard to their ''fungibility.'' Interest components having the same maturity date that have been stripped from fixed-principal securities are fungible (i.e., have the same CUSIP number) regardless of the underlying security from which the interest payments were stripped. Interest components stripped from inflation-protection securities, however, will not be fungible with interest components stripped from other inflation-protection or fixed-principal securities, even if they have the same maturity date. Making interest components of inflation-protection securities fungible is not practical because the amount of a particular interest payment for such securities reflects in part the reference CPI for the issue date of that security. Different underlying inflation-protection securities will have different issue dates with different reference CPI numbers. However, Treasury has the ability to increase the amount outstanding of these non-fungible stripped components through reopenings of the underlying inflation-protection securities.

Section 356.31 also has been revised to distinguish between principal components stripped from fixed-principal and inflation-protection securities, which are maintained and transferred in TRADES at their par amount, and interest components stripped from fixed-principal and inflation-protection securities, which are maintained and transferred in TRADES at their original payment value. This value is derived by applying the semiannual interest rate to the par amount. For inflation-protection securities, the amounts maintained and transferred in TRADES are different from the actual value of the principal and interest components as adjusted for inflation. For stripped principal components of inflation-protection securities, the holder will receive the inflation-adjusted principal value or the par amount, whichever is greater, at maturity. For stripped interest components of these securities, the amount payable to the holder will be derived by applying the semiannual interest rate to the inflation-adjusted principal of the underlying security.

Section 356.32 has been reorganized. Paragraph (a) provides a general taxation provision applicable to all marketable Treasury securities. Paragraph (b) applies only to inflation-protection securities. It directs investors to the relevant Internal Revenue Service (IRS) regulations that will be published concurrently with the final rule amending the uniform offering circular for further information about the tax treatment and reporting of inflation-protection securities. From the publication date of this proposed amendment to the uniform offering circular until the date of issuance of the final rule, investors are advised to refer to IRS Notice 96–51 published in the Internal Revenue Bulletin 1996–42 (October 15, 1996) for information regarding taxation of inflation-protection securities and the stripped components of such securities. Additionally, concurrent with the filing of these proposed rules, Treasury is issuing a statement providing a more detailed explanation of the federal income tax treatment for inflation-protection securities and stripped components thereof. Readers interested in receiving a copy of this statement should call the Department's Public Affairs automated facsimile system at 202–622–2040. After issuance of the final uniform offering circular amendment, investors are advised to refer to the applicable proposed and temporary regulations issued under §§ 1275(d) and 1286 of the Internal

Revenue Code. In the preamble to the final amendment to the uniform offering circular rules, the Department will reference the Federal Register and Code of Federal Regulations citations for the IRS regulations, as available.

Minor revisions have been made to existing paragraphs A through D of Appendix B, Section I, by redesignating the paragraphs as numerical subparagraphs and inserting the term ''Treasury fixed-principal securities'' at the beginning (as paragraph A) to clarify that these paragraphs relate specifically to fixed-principal notes and bonds, not inflation-protection securities. A new paragraph B has been added to Section I of Appendix B that describes and illustrates with an example how the principal value of an inflation-protection security will be adjusted for inflation, how interest payments will be calculated, and how the index ratio for a particular date will be calculated. Unlike paragraph A, which includes examples of short and long interest payments, paragraph B provides only an example of regular half-year interest payments since Treasury does not anticipate short and long interest payments for Treasury inflation-protection securities.

Treasury does not intend to publish the index ratio or any reference CPIs since market participants should be able to make the computations themselves. However, Treasury requests comments on whether or not a monthly publication of the daily index ratios or reference CPIs would be useful to market participants. The Treasury will issue a press release monthly that will provide the non-seasonally adjusted CPI for each of the prior three months. Treasury intends to provide this information through media such as the Internet, telephone recordings, and TAAPS (Treasury Automated Auction Processing System). The monthly CPI numbers are also available from the Bureau of Labor Statistics of the U.S. Department of Labor.

Paragraph B of Section I also explains what Treasury's course of action will be if, while an inflation-protection security is outstanding, the index is revised, rebased to a different year, not reported, or discontinued. The procedures are the same as those originally stated in the first ANPR. If a previously reported CPI is revised, Treasury will continue to use the previously reported CPI in calculating the inflation-adjusted principal and interest payments. If the CPI is rebased to a different year, Treasury will continue to use the CPI based on the base reference period in effect when the security was first issued, as long as that CPI continues to be published. The specific CPI–U series for each inflation-protection security will be provided in the Treasury offering announcement. If the CPI is discontinued or substantially altered while an inflation-protection security is outstanding, Treasury will consult with the Bureau of Labor Statistics or its successor agency to determine an appropriate substitute index and methodology for linking the two series. Treasury would then notify the public of the substitute index and methodology. For new issues of Treasury inflation-protection securities, if the Federal Government commences publication of an index that is more accurate or otherwise more appropriate for indexation than the Consumer Price Index, Treasury would also notify the public. Moreover, the uniform offering circular would be amended, as appropriate, to reflect changes in the use of the index.

The previous paragraph E to Section I of Appendix B has been redesignated as paragraph C and expanded to include a description of the accrued interest payable calculation for an inflation-protection security if accrued interest covers a fractional portion of the first full half-year period.

Minor changes have been made to paragraphs A through G of Appendix B, Section II, to reflect their applicability solely to fixed-principal securities. A disclaimer has been added near the beginning of Appendix B to clarify that any numbers in the examples are provided only for illustrative purposes and are not intended to be predictions of interest rates for Treasury securities. In addition, a statement regarding intermediate rounding used in the examples has been moved toward the beginning of Appendix B.

A new Section III has been included in Appendix B to illustrate the calculation of the settlement amount for inflation-protection securities with a regular first interest payment period and to illustrate the calculation of the settlement amount, including predetermined accrued interest and inflation adjustment, of a reopened inflation-protection security. Accompanying definitions have also been added.

A new Appendix C containing investment considerations for inflation-protection securities has been added because of the unique factors facing prospective investors in this new security.

A new Appendix D has been added to provide a description of the Consumer Price Index for All Urban Consumers.

Finally, a new Section IV has been added to Exhibit A that provides an example of an offering announcement press release by the Treasury to the public for an inflation-protection security. The press release includes accompanying highlights.

IV. Procedural Requirements

This proposed rule does not meet the criteria for a ''significant regulatory action'' pursuant to Executive Order 12866.

Although this rule is being issued in proposed form to secure the benefit of public comment, the notice and public procedures requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

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

There is no new collection of information contained in this proposed rule, and, therefore, the Paperwork Reduction Act does not apply. The collections of information of 31 CFR Part 356 have been previously approved by the Office of Management and Budget under section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) under control number 1535–0112. Under this Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number.

List of Subjects in 31 CFR Part 356

Bonds, Federal Reserve System, Government securities, Securities.

Dated: September 23, 1996.

Donald V. Hammond,

Deputy Fiscal Assistant Secretary.

For the reasons set forth in the preamble, 31 CFR Chapter II, Subchapter B, Part 356, is proposed to be amended as follows:

PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1–93)

1. The authority citation for part 356 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3102, *et seq.*; 12 U.S.C. 391.

2. Section 356.2 is amended by revising the definitions of ''Accrued interest,'' ''Book-entry security,'' ''Customer,'' ''Interest Rate,'' ''Multiple-price auction,'' ''Par amount,'' ''Settlement amount,'' ''STRIPS,'' and ''Yield;'' and adding in alphabetical order the definitions of ''Business day,''

''Consumer Price Index,'' ''Daily interest decimal,'' ''Index,'' ''Index ratio,'' ''Inflation-adjusted principal,'' ''Real yield,'' and ''Reference CPI'' to read as follows:

§ 356.2 Definitions.

* * * * *

Accrued interest means an amount payable to the Department for such part of the next semiannual interest payment that represents interest income attributed to the period prior to the date of issue. (See Appendix B, Section I, Paragraph C.)

* * * * *

Book-entry security means a security the issuance and maintenance of which are represented by an accounting entry or electronic record and not by a certificate. Treasury book-entry securities may generally be held in either TRADES or in TREASURY DIRECT. (See § 356.3.)

Business day means any day other than a Saturday, Sunday, or other day on which the Federal Reserve Banks are not open for business.

* * * * *

Consumer Price Index (CPI) means the non-seasonally adjusted *U.S. City Average All Items Consumer Price Index for All Urban Consumers,* published by the Bureau of Labor Statistics of the Department of Labor. (See Appendix D.)

* * * * *

Customer means a bidder on whose behalf a depository institution or dealer has been directed to submit or forward a competitive or noncompetitive bid for a specified amount of securities in a specific auction. Only depository institutions and dealers may submit or forward bids for customers, whether directly to a Federal Reserve Bank or the Bureau of the Public Debt, or through an intermediary depository institution or dealer.

Daily interest decimal means, for a fixed-principal security, the interest factor attributable to one day of an interest payment period per $1,000 par amount.

* * * * *

Index means the Consumer Price Index, which is used as the basis for making adjustments to principal amounts of inflation-protection securities. (See Appendix D.)

Index ratio means, for any particular date and any particular inflation-protection security, the Reference CPI applicable to such date divided by the Reference CPI applicable to the original issue date (or dated date, when the dated date is different from the original issue date). (See Appendix B, Section I, Paragraph B.)

Inflation-adjusted principal means, for an inflation-protection security, the value of the security derived by multiplying the par amount by the applicable index ratio as described in Appendix B, Section I, Paragraph B.

Interest rate means the annual percentage rate of interest paid on the par amount or the inflation-adjusted principal of a specific issue of notes or bonds. (See Appendix B for methods and examples of interest calculations on notes and bonds.)

* * * * *

Multiple-price auction means an auction in which each successful competitive bidder pays the price equivalent to the yield or rate that it bid.

* * * * *

Par amount means the stated value of a security at original issuance.

* * * * *

Real yield means, for an inflation-protection security, the yield based on the payment stream in constant dollars, i.e., before adjustment by the index ratio.

Reference CPI (Ref CPI) means, for an inflation-protection security, the index number applicable to a given date. (See Appendix B, Section I, Paragraph B.)

* * * * *

Settlement amount means the par amount of securities awarded less any discount amount and plus any premium amount and/or any accrued interest. For inflation-protection securities, the settlement amount also includes any inflation adjustment when such securities are reopened or when the dated date is different from the issue date.

* * * * *

STRIPS (Separate Trading of Registered Interest and Principal of Securities) means the Department's program under which eligible securities are authorized to be separated into principal and interest components, and transferred separately. These components are maintained in book-entry accounts, and transferred, in TRADES.

* * * * *

Yield, also referred to as ''yield to maturity,'' means the annualized rate of return to maturity on a fixed-principal security expressed as a percentage. For an inflation-protection security, yield means the real yield. (See Appendix B.)

3. Section 356.3 is amended by revising the introductory paragraph and the heading of paragraph (a) and removing footnote 1; adding three sentences at the end of paragraph (a); and adding a second sentence at the end of paragraph (b), to read as follows:

§ 356.3 Book-entry securities and systems.

Securities issued subject to this Part shall be held and transferred in either of the two book-entry securities systems—TRADES or TREASURY DIRECT—described in this section. Securities are maintained and transferred, to the extent authorized in 31 CFR 357, in these two book-entry systems at their par amount, e.g., for inflation-protection securities, adjustments for inflation will not be included in this amount. Securities may be transferred from one system to the other in accordance with Treasury regulations governing book-entry Treasury bills, notes, and bonds. See Department of the Treasury Circular, Public Debt Series No. 2–86, as amended (31 CFR Part 357).

(a) *Treasury/Reserve Automated Debt Entry System (TRADES).* * * * For accounts maintained in TRADES, Treasury discharges its payment obligations when payment is credited to the applicable account maintained at a Federal Reserve Bank or payment is made in accordance with the instructions of the person or entity maintaining such account. Further, neither Treasury nor the Federal Reserve Banks have any obligations to, nor will they recognize any claims of, any person or entity that does not have an account at a Federal Reserve Bank. In addition, neither Treasury nor the Federal Reserve Banks will recognize the claims of any person or entity with respect to any accounts not maintained at a Federal Reserve Bank.

(b) * * * In TREASURY DIRECT, Treasury discharges its payment obligations when payment is made to a depository institution for credit to the account specified by the owner of the security, or when payment is made in accordance with the instructions of the owner of the security.

* * * * *

4. Section 356.5 is amended by revising the introductory text and paragraphs (b) and (c) to read as follows:

§ 356.5 Description of securities.

Securities offered pursuant to this Part are offered exclusively in book-entry form and are direct obligations of the United States, issued under Chapter 31 of Title 31 of the United States Code. The securities are subject to the terms and conditions set forth in this Part, including the appendices, as well as the regulations governing book-entry Treasury bills, notes, and bonds (31 CFR Part 357), and the offering announcements, all to the extent applicable. When the Department issues additional securities with the same CUSIP number as outstanding

securities, all securities with the same CUSIP number are considered the same security.

* * * * *

(b) *Treasury notes*—(1) *Treasury fixed-principal*[1] *notes.* Treasury fixed-principal notes are issued with a stated rate of interest to be applied to the par amount, have interest payable semiannually, and are redeemed at their par amount at maturity. They are sold at discount, par, or premium, depending upon the auction results. They have maturities of at least one year, but not more than ten years.

(2) *Treasury inflation-protection notes.* Treasury inflation-protection notes are issued with a stated rate of interest to be applied to the inflation-adjusted principal on each interest payment date, have interest payable semiannually, and are redeemed at maturity at their inflation-adjusted principal, or at their par amount, whichever is greater. They are sold at discount, par, or premium, depending upon the auction results. They have maturities of at least one year, but not more than ten years. (See Appendix B for price and interest payment calculations and Appendix C for Investment Considerations.)

(c) *Treasury bonds*—(1) *Treasury fixed-principal bonds.* Treasury fixed-principal bonds are issued with a stated rate of interest to be applied to the par amount, have interest payable semiannually, and are redeemed at their par amount at maturity. They are sold at discount, par, or premium, depending upon the auction results. They typically have maturities of more than ten years.

(2) *Treasury inflation-protection bonds.* Treasury inflation-protection bonds are issued with a stated rate of interest to be applied to the inflation-adjusted principal on each interest payment date, have interest payable semiannually, and are redeemed at maturity at their inflation-adjusted principal, or at their par amount, whichever is greater. They are sold at discount, par, or premium, depending upon the auction results. They typically have maturities of more than ten years. (See Appendix B for price and interest payment calculations and Appendix C for Investment Considerations.)

5. Section 356.10 is amended by adding a sentence at the end of the paragraph, before the parenthetical last sentence, to read as follows:

§ 356.10 Offering announcement.

* * * Accordingly, bidders should read the applicable offering announcement in conjunction with this Part. * * *

6. Section 356.12 is amended by revising the first sentence of paragraph (a); revising paragraphs (b)(2), (c)(1) (i) and (ii); and adding new paragraph (c)(1)(iii) to read as follows:

§ 356.12 Noncompetitive and competitive bidding.

(a) *General.* All bids, including bids for reopenings, must state the par amount of securities bid for and must equal or exceed the minimum bid amount stated in the offering announcement. * * *

(b) * * *

(2) *Additional restrictions.* A bidder may not bid noncompetitively for its own account if, in the security being auctioned, it holds or has held a position in when-issued trading or in futures or forward contracts at any time between the date of the offering announcement and the designated closing time for the receipt of competitive tenders. * * *

(c) * * *

(1) * * *

(i) *Treasury bills.* A competitive bid must show the discount rate bid, expressed with two decimals, e.g., 3.10. Fractions may not be used.

(ii) *Treasury fixed-principal securities.* A competitive bid must show the yield bid, expressed with three decimals, e.g., 4.170. Fractions may not be used.

(iii) *Treasury inflation-protection securities.* A competitive bid must show the real yield bid, expressed with three decimals, e.g., 3.070. Fractions may not be used.

* * * * *

7. Section 356.13 is amended by revising paragraph (a) to read as follows:

§ 356.13 Net long position.

(a) *Reporting net long positions.* When bidding competitively, a bidder must report the amount of its net long position when the total of all of its bids in an auction plus the bidder's net long position in the security being auctioned equals or exceeds the net long position reporting threshold amount. The threshold amount for any particular security will be as stated in the offering announcement for that security. (See § 356.10.) That amount will be $2 billion for bills, notes, and bonds unless otherwise stated in the offering announcement. For example, the net long position reporting threshold amount may be less than $2 billion for smaller security offerings, e.g., certain inflation-protection securities or cash management bills. If the bidder either has no position or has a net short position and the total of all of its bids equals or exceeds the threshold amount, e.g., $2 billion, a net long position of zero must be reported. * * *

* * * * *

8. Section 356.17 is amended by revising the last sentence in the introductory paragraph and the introductory text of paragraphs (a) and (b) to read as follows:

§ 356.17 Responsibility for payment.

* * * The specific requirements, outlined in this section, depend on whether awarded securities will be delivered in TREASURY DIRECT or TRADES.

(a) *TREASURY DIRECT.* For securities to be held in TREASURY DIRECT, payment of the par amount and announced accrued interest and/or inflation adjustment, if any, must be submitted with the tender unless other provision has been made, such as provision for payment by charge to the funds account of a depository institution.

* * * * *

(b) *TRADES.* For securities to be held in TRADES, payment of the par amount and announced accrued interest and/or inflation adjustment, if any, must be submitted with the tender unless provision has been made for payment by charge to the funds account of a depository institution.

* * * * *

9. Section 356.20 is amended by revising the introductory text of paragraph (c) and adding a sentence to the end of paragraph (c)(2) to read as follows:

§ 356.20 Determination of auction awards.

* * * * *

(c) *Determining purchase prices for awarded securities.* Price calculations will be rounded to three decimal places on the basis of price per hundred, e.g., 99.954. (See Appendix B.)

* * * * *

(2) * * * For inflation-protection securities, the price of such securities will be the price equivalent to the highest real yield at which bids were accepted.

10. Section 356.25 is amended by revising the last sentence in paragraph (a)(2), and adding paragraph (c) to read as follows:

§ 356.25 Payment for awarded securities.

* * * * *

(a) * * *

(2) * * * Such additional amount may be due if the auction calculations result

[1] The term ''fixed-principal'' is used in this Part to distinguish such securities from ''inflation-protection'' securities. Fixed-principal notes and fixed-principal bonds are referred to as ''notes'' and ''bonds'' in official Treasury publications, such as offering announcements and auction results press releases, as well as in auction systems.

in a premium or if accrued interest and/or inflation adjustment is due.

* * * * *

(c) *Amount of payment for awarded securities.* The payment amount for awarded securities will be the settlement amount as defined in § 356.2. (See formulas in Appendix B.)

11. Section 356.30 is amended by redesignating the text of the current section as (a), adding a heading of ''General'' and revising the last sentence in newly redesignated paragraph (a), and adding paragraph (b) to read as follows:

§ 356.30 Payment of principal and interest on notes and bonds.

(a) *General.* * * * In the event any principal or interest payment date is not a business day, the amount is payable (without additional interest) on the next business day.

(b) *Treasury inflation-protection securities.* If at maturity the inflation-adjusted principal is less than the par amount of the security, an additional amount will be paid at maturity so that the additional amount plus the inflation-adjusted principal equals the par amount. If a security has been stripped, any such additional amount will be paid at maturity to holders of principal components only. Regardless of whether or not an additional amount is paid, the final interest payment will be based on the inflation-adjusted principal at maturity.

12. Section 356.31 is amended by revising paragraph (a) and the first sentence of paragraph (b), redesignating paragraphs (c) and (d) as paragraphs (g) and (h) respectively, adding new paragraphs (c) through (f), adding a third and fourth sentence to newly redesignated paragraph (g) and revising newly redesignated paragraph (h) to read as follows:

§ 356.31 STRIPS.

(a) *General.* A note or bond may be designated in the offering announcement as eligible for the STRIPS program. At the option of the holder, and generally at any time from its issue date until its call or maturity, any such security may be ''stripped,'' i.e., divided into separate principal and interest components. A short or long first interest payment and all interest payments within a callable period are not eligible to be stripped from the principal component. The CUSIP numbers and payment dates for the principal and interest components are provided in the offering announcement if not previously announced.

(b) *Minimum par amounts required for STRIPS.* For a note or bond to be stripped into the components described above, the par amount, which is not adjusted for inflation, of the note or bond must be in an amount that, based on its interest rate, will produce a semiannual interest payment in a multiple of $1,000. * * *

(c) *Principal components stripped from fixed-principal securities.* Principal components stripped from fixed-principal securities are maintained in accounts, and transferred, in TRADES at their par amount. The principal components have a CUSIP number that is different from the CUSIP number of the fully-constituted (unstripped) security.

(d) *Interest components stripped from fixed-principal securities.* Interest components stripped from fixed-principal securities are maintained in accounts, and transferred, in TRADES at their original payment value, which is derived by applying the semiannual interest rate to the par amount. When an interest component is created, the interest payment date becomes the maturity date for the component. All such components with the same maturity date have the same CUSIP number, regardless of the underlying security from which the interest payments were stripped. All interest components have CUSIP numbers that are different from the CUSIP number of any fully-constituted security and any principal component.

(e) *Principal components stripped from inflation-protection securities.* Principal components stripped from inflation-protection securities are maintained in accounts, and transferred, in TRADES at their par amount. At maturity, the holder will receive the inflation-adjusted principal value or the par amount, whichever is greater. (See § 356.30.) Principal components have a CUSIP number that is different from the CUSIP number of the fully-constituted (unstripped) security.

(f) *Interest components stripped from inflation-protection securities.* Interest components stripped from inflation-protection securities are maintained in accounts, and transferred, in TRADES at their original payment value, which is derived by applying the semiannual interest rate to the par amount. When an interest component is created, the interest payment date becomes the maturity date for the component. Each such component has a unique CUSIP number that is different from the CUSIP number of any interest components stripped from different securities, even if the components have the same maturity date. All interest components have CUSIP numbers that are different from the CUSIP number of any fully-constituted security and any principal component. At maturity, the payment to the holder will be derived by applying the semiannual interest rate to the inflation-adjusted principal of the underlying security.

(g) *Reconstituting a security.* * * * Interest components stripped from inflation-protection securities are different from interest components stripped from fixed-principal securities and, accordingly, are not interchangeable for reconstitution purposes. Interest components stripped from one inflation-protection security are not interchangeable for reconstitution purposes with interest components stripped from another inflation-protection security.

(h) *Applicable regulations.* Unless otherwise provided in this Part, notes and bonds stripped into their STRIPS components are governed by Subparts A, B and D of Part 357 of this title.

13. Section 356.32 is revised to read as follows:

§ 356.32 Taxation.

(a) *General.* Securities issued under this Part are subject to all applicable taxes imposed under the Internal Revenue Code of 1986, or successor. Under section 3124 of Title 31, United States Code, the securities are exempt from taxation by a State or political subdivision of a State, except for State estate or inheritance taxes and other exceptions as provided in that section.

(b) *Treasury inflation-protection securities.* Special federal income tax rules for inflation-protection securities, and principal and interest components stripped from such securities, are set forth in Internal Revenue Service regulations.

14. Appendix B to Part 356 is amended by revising the list of section titles, and adding two new paragraphs following the list to read as follows:

Appendix B to Part 356—Formulas and Tables

The numbers in this appendix are examples given for illustrative purposes only and are in no way a prediction of interest rates on any bills, notes, or bonds issued under this Part.

In some of the following examples, intermediate rounding is used to allow

the reader to follow the calculations. In actual practice, the Department generally does not round prior to determining the final result.

15. Appendix B, Section I is amended as follows: by redesignating paragraphs A through D and their corresponding Examples as paragraphs A.1. through A.4. respectively, and adding a new title for paragraph A, revising newly redesignated paragraph A.1., revising the first sentence in newly redesignated paragraphs A.2., A.3. and its Example, and A.4. and its Example; by adding a new paragraph B; and by redesignating paragraph E as paragraph C, revising the second paragraph, adding a third paragraph prior to the Examples in newly redesignated paragraph C., redesignating the headings for Examples C. (1) and (2) as C.(1)(i) and C.(1)(ii) respectively, and adding a new heading for Example C.(1).

I. Computation of Interest on Treasury Bonds and Notes

A. Treasury Fixed-Principal Securities

1. Regular Half-Year Payment Period

Interest on marketable fixed-principal securities is payable on a semiannual basis. The regular interest payment period is a full half-year of six calendar months. Examples of half-year periods are: (1) February 15 to August 15, (2) May 31 to November 30, and (3) February 29 to August 31 (in a leap year). Calculation of an interest payment for a fixed-principal security with a par amount of $1,000 and an interest rate of 8% is made in this manner: ($1,000 × .08) $40. Specifically, a semiannual interest payment represents one half of one year's interest, and is computed on this basis regardless of the actual number of days in the half-year.

2. Daily Interest Decimal

In cases where an interest payment period for a fixed-principal security is shorter or longer than six months or where accrued interest is payable by an investor, a daily interest decimal, based on the actual number of days in the half-year or half-years involved, must be computed. ***

* * * * *

3. Short First Payment Period

In cases where the first interest payment period for a fixed-principal security covers less than a full half-year period (a ''short coupon''), the daily interest decimal is multiplied by the number of days from, but not including, the issue date to, and including, the first interest payment date, resulting in the amount of the interest payable per $1,000 par amount.* * *

Example. A 2-year fixed-principal note paying 8⅜% interest was issued on July 2, 1990, with the first interest payment on December 31, 1990. * * *

4. Long First Payment Period

In cases where the first interest payment period for a fixed-principal security covers more than a full half-year period (a ''long coupon''), the daily interest decimal is multiplied by the number of days from, but not including, the issue date to, and including, the last day of the fractional period that ends one full half-year before the interest payment date. * * *

Example. A 5-year 2-month fixed-principal note paying 7–7/8% interest was issued on December 3, 1990, with the first interest payment due on August 15, 1991. * * *

B. Treasury Inflation-Protection Securities

1. Indexing Process

Interest on marketable Treasury inflation-protection securities is payable on a semiannual basis. The inflation-protection securities are issued with a stated rate of interest which remains constant for the term of the particular security. Interest payments are based on the security's inflation-adjusted principal at the time interest is paid. This adjustment is made by multiplying the par amount of the security by the applicable index ratio.

2. Index Ratio

The numerator of the Index ratio, the Ref CPIDate, is the index number applicable for a specific day, and the denominator of the Index ratio is the Ref CPI applicable for the original issue date. However, when the dated date is different from the original issue date, the denominator is the Ref CPI applicable for the dated date. The formula for calculating the Index ratio is:

$$\text{Index ratio}_{\text{Date}} = \frac{\text{Ref CPI}_{\text{Date}}}{\text{Ref CPI}_{\text{Issue Date}}}$$

Where Date = valuation date

Treasury does not intend to publish the Index ratio for use by market participants. Rather dealers, financial institutions, and other market participants that need the Index ratio for trading purposes are expected to calculate the ratio using the formula provided above.

3. Reference CPI

The Ref CPI for the first day of any calendar month is the CPI for the third preceding calendar month. For example, the Ref CPI applicable to April 1 in any year is the CPI for January, which is reported in February. The Ref CPI for any other day of a month is determined by a linear interpolation between the Ref CPI applicable to the first day of the month in which such day falls (in the example, January) and the Ref CPI applicable to the first day of the month immediately following (in the example, February). For purposes of interpolation, calculations with regard to the Ref CPI and the Index ratio for a specific date will be truncated to six decimal places and rounded to five decimal places such that the Ref CPI and the Index ratio for that date will be expressed to five decimal places. The formula for the Ref CPI for a specific date is:

$$\text{Ref CPI}_{\text{Date}} = \text{Ref CPI}_{\text{M}} + \frac{t-1}{D}\left[\text{Ref CPI}_{\text{M+1}} - \text{Ref CPI}_{\text{M}}\right]$$

Where Date = valuation date

D = the number of days in the month in which Date falls

t = the calendar day corresponding to Date

Ref CPIM = Ref CPI for the first day of the calendar month in which Date falls

Ref CPI_{M+1} = Ref CPI for the first day of the calendar month immediately following Date

For example, the Ref CPI for April 15, 1996 is calculated as follows:

$$\text{Ref CPI}_{\text{April 15, 1996}} = \text{Ref CPI}_{\text{April 1, 1996}} + \frac{14}{30}\left[\text{Ref CPI}_{\text{May 1, 1996}} - \text{Ref CPI}_{\text{April 1, 1996}}\right]$$

where D = 30, t = 15

Ref $CPI_{April\ 1,\ 1966}$ = 154.40, the nonseasonally adjusted CPI-U for January 1996.

Ref $CPI_{May\ 1,\ 1966}$ = 154.90, the nonseasonally adjusted CPI-U for February 1996.

Putting these values in the equation above:

$$\text{Ref CPI}_{\text{April 15, 1996}} = 154.40 + \frac{14}{30}[154.90 - 154.40]$$

$$\text{Ref CPI}_{\text{April 15, 1996}} = 154.633333333$$

This value truncated to six decimals is 154.633333; rounded to five decimals it is 154.63333.

To calculate the index ratio for April 16, 1996, for an inflation-protection security issued on April 15, 1996, the Ref $CPI_{April\ 16,\ 1966}$ must first be calculated. Using the same values in the equation above except that t=16, the Ref $CPI_{April\ 16,\ 1966}$ is 154.65000.

The index ratio for April 16, 1996 is: Index $Ratio_{April\ 16,\ 1966}$ = 154.65000/154.63333 = 1.000107803.

This value truncated to six decimals is 1.000107; rounded to five decimals it is 1.00011.

4. Index Contingencies

If a previously reported CPI is revised, Treasury will continue to use the previously reported CPI in calculating the principal value or interest payments.

If the CPI is rebased to a different year, Treasury will continue to use the CPI based on the base reference period in effect when the security was first issued, as long as that CPI continues to be published.

If the CPI is discontinued or substantially altered while an inflation-protection security is outstanding, Treasury will consult with the Bureau of Labor Statistics, or any successor agency, to determine an appropriate substitute index and methodology for linking the two series. Treasury will then notify the public of the substitute index and methodology. Determinations of the Secretary in this regard will be final.

If the CPI for a particular month is not reported by the last day of the following month, the Treasury will announce an index number based on the last twelve-month change in the CPI available. Any calculations of the Treasury's payment obligations on the inflation-protection security that rely on that month's CPI will be based on the index number that the Treasury has announced. For example, if the CPI for month M is not reported timely, the formula for calculating the index number to be used is:

$$\text{Ref CPI}_{M} = \text{CPI}_{M-1} \times \left[\frac{\text{CPI}_{M-1}}{\text{CPI}_{M-13}}\right]^{\frac{1}{12}}$$

This index number will be used for all subsequent calculations that rely on that month's index number and will not be replaced by the actual CPI when it is reported.

Generalizing for the last reported CPI issued N months prior to month M:

$$\text{Ref CPI}_{M} = \text{CPI}_{M-N} \times \left[\frac{\text{CPI}_{M-N}}{\text{CPI}_{M-N-12}}\right]^{\frac{N}{12}}$$

5. Computation of Interest for a Regular Half-Year Payment Period

Interest on marketable Treasury inflation-protection securities is payable on a semiannual basis. The regular interest payment period is a full half-year or six calendar months. Examples of half-year periods are January 15 to July 15, and April 15 to October 15. An interest payment will be a fixed percentage of the value of the inflation-adjusted principal, in current dollars, for the date on which it is paid. Interest payments will be calculated by multiplying one-half of the specified annual interest rate for the inflation-protection securities by the inflation-adjusted principal for the interest payment date. Specifically, a semiannual interest payment is computed on the basis of one half of one year's interest regardless of the actual number of days in the half-year.

Example. A 10-year inflation-protection note paying 3% interest was issued on July 15, 1996, with the first interest payment on January 15, 1997. The Ref CPI on July 15, 1996 (Ref $CPI_{Issue\ Date}$) was 120, and the Ref CPI on January 15, 1997 (Ref CPI_{Date}) was 132. For a par amount of $100,000, the inflation adjusted principal on January 15, 1997 was (132/120) × $100,000, or $110,000. This amount was then multiplied by .03/2, or .015, resulting in a payment of $1,650.00.

C. Accrued Interest

* * * * *

For a fixed-principal security, if accrued interest covers a fractional portion of a full half-year period, the number of days in the full half-year period and the stated interest rate will determine the daily interest decimal to be used in computing the accrued interest. The decimal is multiplied by the number of days for which interest has accrued. If a reopened fixed-principal security has a long first interest payment period (a ''long coupon''), and the dated date for the reopened issue is less than six full months before the first interest payment, the accrued interest will fall into two separate half-year periods, and a separate daily interest decimal must be multiplied by the respective number of days in each half-year period during which interest has accrued. All accrued interest computations are rounded to five decimal places for a $1,000 inflation-adjusted principal, using normal rounding procedures. Accrued interest for a par amount of securities greater than $1,000 is calculated by applying the appropriate multiple to accrued interest payable for $1,000 par amount, rounded to five decimal places.

For an inflation-protection security, accrued interest will be calculated as shown in Section III, Paragraphs A and B of this Appendix.

Examples. (1) *Fixed-Principal Securities*

(i) Involving One Half-Year: * * *

(ii) Involving Two Half-Years: * * *

16. Appendix B, Section II is amended by removing footnote 1, revising the Section heading, revising the definition of ''C='', and revising the headings of paragraphs A through G to read as follows:

II. Formulas for Conversion of Fixed-Principal Security Yields to Equivalent Prices

Definitions

* * * * *

C = the regular annual interest per $100, payable semiannually, e.g., 10.125 (the dollar equivalent of a 10–⅛% interest rate)

* * * * *

A. *For fixed-principal securities with a regular first interest payment period:*

* * * * *

B. *For fixed-principal securities with a short first interest payment period:*

* * * * *

C. *For fixed-principal securities with a long first interest payment period:*

* * * * *

D. (1) *For fixed-principal securities reopened during a regular interest period where the purchase price includes predetermined accrued interest.*

(2) *For new fixed-principal securities accruing interest from the coupon frequency date immediately preceding the issue date, with the interest rate established in the auction being used to determine the accrued interest payable on the issue date.*

* * * * *

E. *For fixed-principal securities reopened during the regular portion of a long first payment period:*

* * * * *

F. *For fixed-principal securities reopened during a short first payment period:*

* * * * *

G. *For fixed-principal securities reopened during the fractional portion (initial short period) of a long first payment period:*

* * * * *

17. Appendix B is amended by redesignating Section III as Section IV and adding a new Section III to read as follows:

III. Formulas for Conversion of Inflation-Protection Security Yields to Equivalent Prices

Definitions

P = unadjusted or real price per 100 (dollars)

P_{adj} = inflation adjusted price; P × Index $Ratio_{Date}$

A = unadjusted accrued interest per $100 original principal

A_{adj} = inflation adjusted accrued interest; A × Index $Ratio_{Date}$

SA = settlement amount including accrued interest in current dollars per $100 original principal; P_{adj} + A_{adj}

r = days from settlement date to next coupon date

s = days in current semiannual period

i = real yield, expressed in decimals (e.g., 0.0325)

C = real annual coupon, payable semiannually, in terms of real dollars paid on $100 initial, or real, principal of the security

n = number of full semiannual periods from issue date to maturity date, except that, if the issue date is a coupon frequency date, n will be one less than the number of full semiannual periods remaining until maturity. Coupon frequency dates are the two semiannual dates based on the maturity date of each note or bond issue. For example, a security maturing on July 15, 2026 would have coupon frequency dates of January 15 and July 15.

$v^n = 1/(1 + i/2)^n$

$$a_{n\rceil} = \left(1 - v^n\right)/(i/2) = v + v^n + v^2 + v^3 + \cdots + v^n$$

Date = valuation date

D=the number of days in the month in which Date falls

t=calendar day corresponding to Date

CPI=Consumer Price Index number

Ref CPI_M=reference CPI for the first day of the calendar month in which Date falls

Ref CPI_{M+1}=reference CPI for the first day of the calendar month immediately following Date

Ref CPI_{Date}=Ref CPI_M+[(t − 1)/D][Ref CPI_{M+1} − Ref CPI_M]

Index $Ratio_{Date}$=Ref CPI_{Date}/Ref $CPI_{Issue\ Date}$

A. *For inflation-protection securities with a regular first interest payment period:*

Formulas:

$$P = \frac{(C/2) + (C/2)a_{n\rceil} + 100v^n}{1 + (r/s)(i/2)} - \left[(s-r)/s\right](C/2)$$

P_{adj}=P×Index $Ratio_{Date}$

A=[(s − r)/s]×(C/2)

A_{adj}=A×Index $Ratio_{Date}$

SA=P_{adj}+A_{adj}

Index $Ratio_{Date}$=Ref CPI_{Date}/Ref $CPI_{Issue\ Date}$

Example. The Treasury issues a 10-year inflation- protection note on July 15, 1996. The note is issued at a discount to yield 3.1% (real). The note bears a 3% real coupon, payable on January 15 and July 15 of each year. The base CPI index applicable to this note is 120.[1] Calculate the settlement amount.

Definitions:

C=3.00

i=0.0310

n=19 (There are 20 full semiannual periods but n is reduced by 1 because the issue date is a coupon frequency date.)

r=184 (July 15, 1996 to January 15, 1997)

s=184 (July 15, 1996 to January 15, 1997)

Ref CPI_{Date}=120

Ref $CPI_{Issue\ Date}$=120

Resolution:

Index $Ratio_{Date}$=Ref CPI_{Date}/Ref $CPI_{Issue\ Date}$=120/120=1

A=[(184 − 184)/184]×3/2=0

A_{adj}=0×1=0

v^n=1/(1+i/2)^n=1/(1+.031/2)^{19}=0.74658863

$$a_{n\rceil} = \left(1 - v^n\right)/(i/2) = (1 - 0.74658863)/(.031/2) = 16.34912050$$

$$P = \frac{(C/2) + (C/2)a_{n\rceil} + 100v^n}{1 + (r/s)(i/2)} - \left[(s-r)/s\right](C/2) - \left[(184-184)/184\right](3/2)$$

P=99.14578432

P_{adj}=P×Index $Ratio_{Date}$

P_{adj}=99.14578432×1=99.14578432

SA=P_{adj}+A_{adj}

SA=99.14578432+0=99.14578432

B. *For inflation-protection securities reopened during a regular interest period where the purchase price includes predetermined accrued interest:*

Bidding:

The dollar amount of each bid is in terms of the par amount. For example, if the Ref CPI applicable to the issue date of the bond is 120, and the reference CPI applicable to the reopening issue date is 132, a bid of

[1] This number is normally derived using the interpolative process described in Appendix B, Section I, Paragraph B.

$10,000 will in effect be a bid of $10,000×(132/120), or $11,000.

Formulas:

$$P = \frac{(C/2)+(C/2)a_{\overline{n}|}+100v^{n}}{1+(r/s)(i/2)} - \left[(s-r)/s\right](C/2)$$

P_{adj}=P×Index Ratio$_{Date}$
A=[(s − r)/s]×(C/2)
A_{adj} = A × Index Ratio$_{Date}$
SA = P_{adj} + A_{adj}
Index Ratio$_{Date}$ = Ref CPI$_{Date}$/Ref CPI$_{Issue\ Date}$

Example. A 3% 10-year inflation-protection note was issued July 15, 1996, due July 15, 2006, with interest payments on January 15 and July 15. For a reopening on April 15, 1997, with inflation compensation accruing from July 15, 1996 to April 15, 1997, and accrued interest accruing from January 15, 1997 to April 15, 1997, (90 days) solve for the price per 100 (P) at a real yield, as determined in the reopening auction, of 3.40%. The base index applicable to the issue date of this note is 120 and the reference CPI applicable to April 15, 1997, is 132.

Definitions:

C = 3.00
i = 0.0340
n = 18
r = 91 (April 15, 1997, to July 15, 1997)
s = 181 (January 15, 1997, to July 15, 1997)
Ref CPI$_{Date}$ = 132
Ref CPI$_{Issue\ Date}$ = 120

Resolution:

Index Ratio$_{Date}$ = Ref CPI$_{Date}$/Ref CPI$_{Issue\ Date}$ = 132/120 = 1.100
v^n = 1/(1 + i/2)^a = 1/(1 + .0340/2)^{18} = 0.73828296

$$a_{\overline{n}|} = \left(1-v^{n}\right)/(i/2) = (1-0.73828296)/(.0340/2) = 15.39512$$

$$P = \frac{(C/2)+(C/2)a_{\overline{n}|}+100v^{n}}{1+(r/s)(i/2)} - \left[(s-r)/s\right](C/2)$$

$$P = \frac{(3/2)+(3/2)(15.39512)+100(0.73828296)}{1+(91/181)(0.0340/2)} - \left[(181-91)/181\right](3/2)$$

P = 96.841049
P_{adj} = P × Index Ratio$_{Date}$
P_{adj} = 96.841049 × 1.100 = 106.525154
A = [(181–91)/181] × 3/2 = 0.745856
A_{adj} = A × 1.100 = 0.820442
SA = P_{adj} + A_{adj} = 106.525154 + 0.820442
SA = 107.345596

* * * * *

18. Part 356 is amended by adding new Appendixes C and D to read as follows:

Appendix C to Part 356—Investment Considerations

I. Inflation-Protection Securities

A. Principal and Interest Variability

An investment in securities with principal or interest determined by reference to an inflation index involves factors not associated with an investment in a fixed-principal security. Such factors may include, without limitation, the possibility that the inflation index may be subject to significant changes, that changes in the index may or may not correlate to changes in interest rates generally or with changes in other indices, that the resulting interest may be greater or less than that payable on other securities of similar maturities, and that, in the event of sustained deflation, the amount of the semiannual interest payments, the inflation-adjusted principal of the security, and the value of stripped components, will decrease. However, if at maturity the inflation-adjusted principal is less than a security's par amount, an additional amount will be paid at maturity so that the additional amount plus the inflation-adjusted principal equals the par amount. Regardless of whether or not such an additional amount is paid, interest payments will always be based on the inflation-adjusted principal as of the interest payment date. If a security has been stripped, any such additional amount will be paid at maturity to holders of principal components only. (See § 356.30.)

B. Trading in the Secondary Market

The Treasury securities market is the largest and most liquid securities market in the world. While Treasury expects that there will be an active secondary market for inflation-protection securities, that market initially may not be as active or liquid as the secondary market for Treasury fixed-principal securities. In addition, as a new product, inflation-protection securities may not be as widely traded or as well understood as Treasury fixed-principal securities. Lesser liquidity and fewer market participants may result in larger spreads between bid and asked prices for inflation-protection securities than the bid-asked spreads for fixed-principal securities with the same time to maturity. Larger bid-asked spreads normally result in higher transaction costs and/or lower overall returns. The liquidity of an inflation-protection security may be enhanced over time as Treasury issues additional amounts or more entities participate in the market.

C. Tax Considerations

Treasury inflation-protection securities and the stripped interest and principal components of these securities are subject to specific tax rules provided by Treasury regulations issued under sections 1275(d) and 1286 of the Internal Revenue Code of 1986, as amended.

D. Indexing Issues

While the CPI measures changes in prices for goods and services, movements in the CPI that have occurred in the past are not necessarily indicative of changes that may occur in the future.

The calculation of the index ratio incorporates an approximate three-month lag, which may have an impact on the trading price of the securities, particularly during periods of significant, rapid changes in the index.

The CPI is reported by the Bureau of Labor Statistics, a bureau within the Department of Labor. The Bureau of Labor Statistics operates independently of the Treasury and, therefore, Treasury has no control over the determination, calculation, or publication of the index. For a discussion of how the CPI will be applied in various situations, see Appendix B, Section I, Paragraph B.

Appendix D to Part 356—Description of the Consumer Price Index

The Consumer Price Index (''CPI'') for purposes of inflation-protection securities is the non-seasonally adjusted *U.S. City Average All Items Consumer Price Index for All Urban Consumers,* published monthly by the Bureau of Labor Statistics of the Department of Labor. The CPI is a measure of the average change in consumer prices over time in a fixed market basket of goods and services, including food, clothing, shelter, fuels, transportation, charges for doctors' and dentists' services, and drugs.

In calculating the index, price changes for the various items are averaged together with weights that represent their importance in the spending of urban households in the United States. The contents of the market basket of goods and services and the weights assigned to the various items are updated periodically to take into account changes in consumer expenditure patterns.

The CPI is expressed in relative terms in relation to a time base reference period for which the level is set at 100. For example, if the CPI for the 1982–84 reference period is 100.0, an increase of 16.5 percent from that period would be shown as 116.5. The CPI for a particular month is released and published during the following month. From time to time, the CPI is rebased to a more recent base reference period. The base reference period for a particular inflation-protection security will be provided on the offering announcement for that security.

Further details about the CPI may be obtained by contacting the Bureau of Labor Statistics.

19. Exhibit A to Part 356 is amended by adding a new Section IV to the list of section titles and to the text of Exhibit A to read as follows:

Exhibit A to Part 356—Sample Announcements of Treasury Offerings to the Public

* * * * *

IV. Treasury Inflation-Protection Note Announcement

* * * * *

IV. Treasury Inflation-Protection Note Announcement

EMBARGOED UNTIL 2:30 P.M. October 2, 20XX

CONTACT: Office of Financing 202/219–3350

TREASURY TO AUCTION $5,500 MILLION OF 10-YEAR INFLATION-PROTECTION NOTES

The Treasury will auction $5,500 million of 10-year inflation-protection notes to raise cash. In addition, there is $7,906 million of publicly-held securities maturing October 15, 20XX.

In addition to the public holdings, Federal Reserve Banks hold $327 million of the maturing securities for their own accounts, which may be exchanged for additional amounts of the new securities.

The maturing securities held by the public include $584 million held by Federal Reserve Banks as agents for foreign and international monetary authorities. Amounts bid for these accounts by Federal Reserve Banks will be added to the offering.

The auction will be conducted in the single-price auction format. All competitive and noncompetitive awards will be at the highest yield of accepted competitive tenders.

Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. This offering of Treasury securities is governed by the terms and conditions set forth in the Uniform Offering Circular (31 CFR Part 356) for the sale and issue by the Treasury to the public of marketable Treasury bills, notes, and bonds.

Details about the new security are given in the attached offering highlights.

HIGHLIGHTS OF TREASURY OFFERING TO THE PUBLIC OF 10-YEAR INFLATION-PROTECTION NOTES TO BE ISSUED OCTOBER 15, 20XX

October 2, 20XX

Offering Amount	$5,500 million
Description of Offering:	
Term and type of security	10-year inflation-protection notes
Series	D–20XX
CUSIP number	912XXX XX X
Auction date	October 9, 20XX
Issue date	October 15, 20XX
Dated date	October 15, 20XX
Maturity date	October 15, 20XX
Interest Rate	Determined based on the highest accepted bid
Real yield	Determined at auction
Interest payment dates	April 15 and October 15
Minimum bid amount	$1,000
Multiples	$1,000
Accrued interest payable by investor	None
Premium or discount	Determined at auction
STRIPS Information:	
Minimum amount required	Determined at auction
Corpus CUSIP number	912XXX XX X

Due dates and CUSIP numbers for additional TINTs:

	912XXX
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X
April 15, 20XX	XX X
October 15, 20XX	XX X

Submission of Bids:

Noncompetitive bids: Will be accepted in full up to $5,000,000 at the highest accepted yield.

Competitive bids:

(1) Must be expressed as a real yield with three decimals, e.g., 3.120%.

(2) Net long position for each bidder must be reported when the sum of the total bid amount, at all yields, and the net long position is $____ billion or greater.

(3) Net long position must be determined as of one half-hour prior to the closing time for receipt of competitive tenders.

Maximum Recognized Bid at a Single Yield: 35% of public offering

Maximum Award: 35% of public offering

Receipt of Tenders:

Noncompetitive tenders: Prior to 12:00 noon Eastern Daylight Saving time on auction day.

Competitive tenders: Prior to 1:00 p.m. Eastern Daylight Saving time on auction day.

Payment Terms: Full payment with tender or by charge to a funds account at a Federal Reserve Bank on issue date.

Indexing Information:

CPI Base Reference Period: 19XX–XX

Ref CPI 10/15/20XX: XXX.XXXXX

[FR Doc. 96–24860 Filed 9–25–96; 12:09 pm]

BILLING CODE 4810–39–W

Federal Register

Friday
September 27, 1996

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996–97 Late Season; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD69

Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1996–97 Late Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes special late season migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands. This responds to tribal requests for Service recognition of their authority to regulate hunting under established guidelines. This rule allows the establishment of seasons and bag limits and, thus, harvest at levels compatible with populations and habitat conditions.

EFFECTIVE DATE: This rule takes effect on September 28, 1996.

ADDRESSES: The public may inspect comments received during normal business hours in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. The public should send communications regarding the documents to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Room 634—ARLSQ, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service (703) 358–1714.

SUPPLEMENTARY INFORMATION: The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

In the August 16, 1996, Federal Register (61 FR 42730), the U. S. Fish and Wildlife Service (Service) proposed special migratory bird hunting regulations for the 1996–97 hunting season for certain Indian tribes, under the guidelines described in the June 4, 1985, Federal Register (50 FR 23467). The guidelines respond to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal members and nonmembers on their reservations. The guidelines include possibilities for:

(1) on-reservation hunting by both tribal members and nonmembers, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);
(2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and
(3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 - September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada.

In the March 22, 1996, Federal Register (61 FR 11986), the Service requested that tribes desiring special hunting regulations in the 1996–97 hunting season submit a proposal including details on:

(1) requested season dates and other regulations to be observed;
(2) harvest anticipated under the requested regulations;
(3) methods that will be employed to measure or monitor harvest;
(4) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource; and
(5) tribal capabilities to establish and enforce migratory bird hunting regulations.

No action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which an Indian reservation is located. The Service has successfully used the guidelines since the 1985–86 hunting season. The Service finalized the guidelines beginning with the 1988–89 hunting season in the August 18, 1988, Federal Register (53 FR 31612).

Although the proposed rule included generalized regulations for both early- and late-season hunting, this rulemaking addresses only the late-season proposals. Early-season hunting was addressed in the rulemaking published in the Federal Register on August 30, 1996 (61 FR 46352). As a general rule, early seasons begin during September each year and have a primary emphasis on such species as mourning and white-winged dove. Late seasons begin about October 1 or later each year and have a primary emphasis on waterfowl.

This year, the Service's annual breeding duck survey estimated total ducks in the traditional survey area was 37.5 million, an increase of 5 percent from that in 1995 and 16 percent higher than the long-term average. The total duck fall flight forecast is approximately 89.5 million birds, compared to 77 million last year. This estimate is the highest recorded since calculations were initiated in 1970 and 16 percent higher than last year. As a result, the Service has responded by proposing Flyway frameworks similar to those of last season for the 1996–97 waterfowl hunting season (August 15, 1996, Federal Register, 61 FR 42506). The tribal seasons established below generally reflect the Flyway frameworks.

Tribal Proposals

For the 1996–97 migratory bird hunting season, the Service proposed regulations for 22 tribes and/or Indian groups that followed the 1985 guidelines and were considered appropriate for final rulemaking. Some of the proposals submitted by the tribes have both early- and late-season elements. However, as noted earlier, only those with late-season proposals are included in this final rulemaking; 16 tribes made proposals with late seasons. Ten tribes were represented in the early-season regulations. Comments and revised proposals received to date are addressed in the following section. The comment period for the proposed rule, published on August 16, 1996, closed on August 26, 1996.

Public Comments On Tribal Proposals

The Service received a letter from the Wisconsin Department of Natural Resources (WIDNR), dated August 26, 1996, concerning the proposed seasons for the Oneida Tribe of Indians of Wisconsin. The WIDNR generally supported the season proposals by the Oneidas. The WIDNR did not, however, support a September 1 duck season opening date and felt that tribal seasons and bag limits should be generally consistent with State seasons. Additionally, WIDNR believed that tribal members should not be exempt from the requirement to purchase a Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp) and the 3-shotgun shell limit.

As we have previously responded regarding other tribal proposals, we believe it is necessary to place the Oneida's proposal in the proper context. Generally, Flyway frameworks are liberally interpreted when application is made to tribal regulations. This results from the special status of Native Americans and specific treaty rights. We continue to believe that current populations of birds can support the tribe's limited harvest. Further, we note that the Oneida's September 15 opening date for ducks meets the Service's established general framework for approval of tribal duck seasons. This date should provide ample time for even late broods and molting ducks to be flighted.

Regarding WIDNR's beliefs that tribes should not be exempt from the purchase of a Duck Stamp or the 3-shotgun shell limit requirement, WIDNR must recognize that the tribal regulation-development process is a ''good faith'' effort on the part of the Service and the tribes to reach mutually agreeable regulations, always with the interest of the resource paramount. For the same reasons as stated above, the Service has accepted the Oneida's proposal.

The Service addressed earlier-received comments regarding tribally proposed regulations in the August 30, 1996, early-season final rule.

In summary, this rule amends section 20.110 of 50 CFR to make current for the late 1996–97 migratory bird hunting season the regulations that will apply on Federal Indian reservations, off-reservation trust lands and ceded lands.

NEPA Consideration

NEPA considerations are covered by the programmatic document, ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with EPA on June 9, 1988. The Service published a Notice of Availability in the June 16, 1988, Federal Register (53 FR 22582). The Service published its Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment titled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the Service. Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Considerations

As in the past, the Service designs hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. Consultations were conducted to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. The final frameworks reflect any modifications. The Service's biological opinions resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and MBMO, at the address indicated under the caption **ADDRESSES.**

Regulatory Flexibility Act; Executive Order (E.O.) 12866 and the Paperwork Reduction Act

In the March 22, 1996, Federal Register, the Service reported measures it took to comply with requirements of the Regulatory Flexibility Act and E.O. 12866. One measure was to prepare a Small Entity Flexibility Analysis (Analysis) documenting the significant beneficial economic effect on a substantial number of small entities. The Analysis estimated that migratory bird hunters would spend between $258 and $586 million at small businesses in 1996. Copies of the Analysis are available upon request from the Office of Migratory Bird Management. This rule was not subject to review by the Office of Management and Budget under E.O. 12866.

The Department examined these regulations under the Paperwork Reduction Act of 1995 and found no information collection requirements.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for public comment. In doing this, the Service recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the tribes would have insufficient time to communicate these seasons to their member and non-tribal hunters and to establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service, under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), prescribes final hunting regulations for certain tribes on Federal Indian reservations (including off-reservation trust lands), and ceded lands. The regulations specify the species to be hunted and establish season dates, bag and possession limits, season length, and shooting hours for migratory game birds.

The Service therefore finds that ''good cause'' exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these frameworks will, therefore, take effect immediately upon publication.

Unfunded Mandates

The Service has determined and certifies in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this final rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 20, 1996.

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks.

Accordingly, Part 20, subchapter B, chapter I of Title 50 of the Code of Federal Regulations is amended as follows:

PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712 and 16 U.S.C. 742 a—j.(Editorial Note: The following annual hunting regulations provided for by § 20.110 of 50 CFR Part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.)

2. Section 20.110 is amended by revising paragraphs (a), (c), (d), (e), (g), (j), and (k); and by adding paragraphs (l), (m), (n), (o), (p), (q), (r), (s), and (t) to read as follows:

§ 20.110 Seasons, limits and other regulations for certain Federal Indian reservations, Indian Territory, and ceded lands.

(a) Colorado River Indian Tribes, Parker, Arizona (Tribal Members and Nontribal Hunters)

Doves

Season Dates: Open September 1, close September 15, 1996; then open November 16, close January 15, 1997.

Daily Bag and Possession Limits: For the early season, daily bag limit is 10 mourning or 10 white-winged doves, singly, or in the aggregate. For the late season, the daily bag limit is 10 mourning doves. Possession limits are twice the daily bag limits.

Ducks (including mergansers)

Season Dates: Begin October 13, end November 10, 1996; then open December 7, 1996, close January 5, 1997.

Daily Bag and Possession Limits: 4 ducks, including no more than 2 pintails, 2 redheads, 1 Mexican duck and 1 canvasback. The possession limit is twice the daily bag limit.

Coots and Common Moorhens

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots and common moorhens, singly or in the aggregate. The possession limit is twice the daily bag limit.

Geese

Season Dates: Begin October 19, 1996, end January 19, 1997.

Daily Bag and Possession Limits: 5 geese, including no more than 2 dark (Canada) geese and 3 white (snow, blue, Ross's) geese. The possession limit is 5.

General Conditions: All persons 12 years and older must possess a valid Colorado River Indian Reservation hunting permit before taking any wildlife on tribal lands. Any person transporting game birds off the Colorado River Indian Reservation must have a valid transport declaration form. Other tribal regulations apply, and may be obtained at the Fish and Game Office in Parker, Arizona.

* * * * *

(c) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

Ducks

Michigan, 1836 Treaty Zone:

Season Dates: Open September 15, close November 30, 1996.

Daily Bag Limit: 7 ducks, which may include no more than 1 pintail, 1 canvasback, 1 black duck, 2 wood ducks, 2 redheads, and 2 hen mallards.

Canada Geese

Michigan, 1836 Treaty Zone:

Season Dates: Open September 1, close November 30, 1996, and open January 1, close February 7, 1997.

Daily Bag Limit: 5 geese.

Other Geese (Brant, Blue, Snow, and White-fronted)

Michigan, 1836 Treaty Zone:

Season Dates: Begin October 1, end November 30, 1996.

Daily Bag Limit: 5 geese.

General Conditions: Persons twelve years and older must possess a valid Grand Traverse Band Tribal license before taking any wildlife. All other basic regulations contained in 50 CFR part 20 are valid. Other tribal regulations apply, and may be obtained at the tribal office in Suttons Bay, Michigan.

(d) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Ducks

Wisconsin and Minnesota 1837 and 1842 Zones:

Season Dates: Open September 15, close November 7, 1996.

Daily Bag Limit: 20 ducks, including no more than 10 mallards; only 5 of which may be hen mallards; 4 black ducks; 4 redheads, 4 pintails and 2 canvasbacks.

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 28, end November 16, 1996.

Daily Bag Limit: 5 ducks, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 2 redheads.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 28 and end November 16, 1996; Middle Zone, begin October 5 and end November 23, 1996; South Zone, begin October 12 and end November 30, 1996.

Daily Bag Limit: 5 ducks, including no more than 4 mallards (only 1 of which may be a female), 1 black duck, 1 pintail, 2 wood ducks, 1 canvasback and 2 redheads.

Mergansers

Wisconsin and Minnesota 1837 and 1842 Zones:

Season Dates: Open September 15, close November 7, 1996.

Daily Bag Limit: 5 mergansers, including no more than 1 hooded merganser.

Michigan, 1842 Treaty Zone:

Season Dates: Same as ducks.

Daily Bag Limit: 5 mergansers, including no more than 1 hooded merganser.

Michigan, 1836 Treaty Zone:

Season Dates: Same as ducks.

Daily Bag Limit: 5 mergansers, including no more than 1 hooded merganser.

Canada Geese

Wisconsin and Minnesota 1837 and 1842 Zones:

Season Dates: Open September 15, close December 1, 1996.

Daily Bag Limit: 10 geese, minus the number of blue, snow or white-fronted geese taken.

Michigan, 1842 Treaty Zone:

Season Dates: Open September 1, close September 10, 1996.

Daily Bag Limit: 5 geese.

Michigan, 1836 Treaty Zone:

Season Dates: Open September 1, close September 10, 1996, except for that small portion of the ceded territory which coincides with the State of Michigan's Southern Zone will open September 1 and close on September 15.

Daily Bag Limit: 5 geese.

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 28, end October 17, 1996.

Daily Bag Limit: 5 geese.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 28 and end October 17, 1996; Middle Zone, begin October 5 and end October 24, 1996; South Zone, begin October 14 and end November 30, 1996.

Daily Bag Limit: 1 goose in the South Zone and 2 in the North and Middle Zones.

Other Geese (Blue, Snow, and White-fronted)

Wisconsin and Minnesota 1837 and 1842 Zones:

Season Dates: Open September 15, close December 1, 1996.

Daily Bag Limit: 10 geese, minus the number of Canada geese taken.

Michigan, 1842 Treaty Zone:

Season Dates: Begin September 28, end November 16, 1996.

Daily Bag Limit: 7 geese, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

Michigan, 1836 Treaty Zone:

Season Dates: North Zone, begin September 28 and end November 16, 1996; Middle Zone, begin October 5 and end November 23, 1996; South Zone, begin October 19 and end December 13, 1996.

Daily Bag Limit: 7 geese, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

Coots and Common Moorhens (Gallinules)

Wisconsin and Minnesota 1837 and 1842 Zones:
Season Dates: Open September 15, close November 7, 1996.
Daily Bag Limit: 20 coots and common moorhens, singly or in the aggregate.
Michigan, 1842 Treaty Zone:
Season Dates: Same as ducks.
Daily Bag Limit: 20 coots and moorhens, singly or in the aggregate.
Michigan, 1836 Treaty Zone:
Season Dates: Same as ducks.
Daily Bag Limit: 20 coots and moorhens, singly or in the aggregate.

Sora and Virginia Rails

Wisconsin and Minnesota 1837 and 1842 Zones:
Season Dates: Open September 15, close November 7, 1996.
Daily Bag Limit: 25 sora and Virginia rails, singly or in the aggregate. The possession limit is 25.
Michigan, 1842 and 1836 Zones:
Season Dates: Open September 15, close November 14, 1996.
Daily Bag and Possession Limits: 25 sora and Virginia rails, singly or in aggregate. The possession limit is 25.

Common Snipe

Wisconsin and Minnesota 1837 and 1842 Zones:
Season Dates: Open September 15, close November 7, 1996.
Daily Bag Limit: 8 snipe.
Michigan, 1842 and 1836 Zones:
Season Dates: Open September 15, close November 14, 1996.
Daily Bag Limit: 8 snipe.

Woodcock

Wisconsin and Minnesota 1837 and 1842 Zones:
Season Dates: Open September 3, close November 30, 1996.
Daily Bag Limit: 5 woodcock.
Michigan, 1842 and 1836 Zones:
Season Dates: Open September 15, close November 14, 1996.
Daily Bag Limit: 5 woodcock.
General Conditions: (1) While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

(2) Except as otherwise noted, tribal members must comply with tribal codes that are no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by Service final rules adopted in response to a proposed rule, these amended regulations parallel Federal requirements, 50 CFR Part 20, and shooting hour regulations in 50 CFR Part 20, subpart K, as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

(3) Tribal members in each zone must comply with State regulations providing for closed and restricted waterfowl hunting areas.

(4) Minnesota and Michigan--Duck Blinds and Decoys. Tribal members hunting in Minnesota must comply with tribal codes that contain provisions parallel to M. S. 100.29, Subd. 18 (duck blinds and decoys). Tribal members hunting in Michigan must comply with tribal codes that contain provisions parallel to Michigan law regarding duck blinds and decoys.

(5) Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit.

(6) Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands are considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with Sec. NR 19.12, Wis. Adm. Code. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

(e) Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Nontribal Hunters)

Band-tailed Pigeons

Season Dates: Open September 1, close September 30, 1996.
Daily Bag and Possession Limits: 5 and 10 pigeons, respectively.

Mourning Doves

Season Dates: Open September 1, close September 30, 1996.
Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Ducks

Season Dates: Begin September 28, end December 29, 1996.
Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 1 pintail, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Dark Geese

Season Dates: Begin September 28, 1996, end January 5, 1997.
Daily Bag and Possession Limits: 2 and 4 geese, respectively.

Coots and Common Moorhens

Season Dates: Same as ducks.
Daily Bag and Possession Limits: 25 coots and moorhens, singly or in the aggregate.
General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20, regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (duck stamp) signed in ink across the stamp face. Special regulations established by the Navajo Nation also apply on the reservation.

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(g) Point No Point Treaty Tribes, Kingston, Washington (Tribal Members and Non-tribal Hunters)

Mourning Doves

Season Dates: Open September 1, close September 15, 1996.
Daily Bag and Possession Limits: 10 and 20 doves, respectively.

Snipe

Season Dates: Open September 1, close December 16, 1996.
Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

Ducks (including Mergansers)

Season Dates: Begin September 28, 1996, end December 29, 1996.
Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The season is closed on wood ducks and harlequin ducks. The possession limit is twice the daily bag limit.

Geese

Season Dates: Begin September 28, 1996, end January 5, 1997.
Daily Bag and Possession Limits: 4 geese, including not more than 3 light geese. The season is closed on Aleutian Canada geese and cackling Canada geese. The possession limit is twice the daily bag limit.

Brant

Season Dates: Begin January 4, end January 19, 1997.
Daily Bag and Possession Limits: 2 and 4 brant, respectively.

* * * * *

(j) Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Non-tribal Hunters)

Tribal Members

Ducks/Coot

Season Dates: Open September 15, 1996, and close February 1, 1997.

Daily Bag and Possession Limits: 6 and 12 ducks, respectively; except that bag and possession limits are restricted for blue-winged teal, canvasback, harlequin, pintail and wood duck to those established for the Pacific Flyway by final Federal frameworks, to be announced.

Geese

Season Dates: Open September 15, 1996, and close February 1, 1997.

Daily Bag and Possession Limits: 6 and 12 geese, respectively; except that the bag limits for brant and cackling and dusky Canada geese are those established for the Pacific Flyway in accordance with final Federal frameworks, to be announced. The tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting.

Snipe

Season Dates: Open September 15, 1996, and close February 1, 1997.

Daily Bag and Possession Limits: 6 and 12 snipe, respectively.

Non-tribal Hunters

Ducks

Season Dates: Begin October 19, 1996, end January 19, 1997.

Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Begin October 12, 1996, end January 19, 1997.

Daily Bag and Possession Limits: 4 geese, including 4 dark geese but no more than 3 light geese. The possession limit is twice the daily bag limit.

Brant

Season Dates: Begin January 4, end January 19, 1997.

Daily Bag and Possession Limits: 2 and 4 brant, respectively.

Snipe

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 12 snipe, respectively.

General Conditions: All waterfowl hunters, members and non-members, must obtain and possess while hunting a valid hunting permit from the Tulalip tribes. Also, non-tribal members sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a validated Federal Migratory Bird Hunting and Conservation Stamp and a validated State of Washington Migratory Waterfowl Stamp. All Tulalip tribal members must possess while hunting, or accompanying another, their valid tribal identification card. All hunters are required to adhere to a number of other special regulations enforced by the tribes and available at the tribal office.

(k) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Nontribal Hunters)

Band-tailed Pigeons

Season Dates: Open September 6, close September 15, 1996.

Daily Bag and Possession Limits: 3 and 6 pigeons, respectively.

Mourning Doves

Season Dates: Open September 6, close September 15, 1996.

Daily Bag and Possession Limits: 8 and 16 doves, respectively.

General Conditions: All non-tribal hunters hunting band-tailed pigeons and mourning doves on Reservation lands must possess a valid White Mountain Apache Daily or Yearly Small Game Permit. In addition to a small game permit, all non-tribal hunters hunting band-tailed pigeons must possess a White Mountain Special Band tailed Pigeon Permit. Other special regulations established by the White Mountain Apache Tribe apply on the reservation. Tribal and nontribal hunters will comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

Ducks (Including Mergansers)

Season Dates: Begin November 9, 1996, end January 19, 1997.

Daily Bag and Possession Limits: 3 ducks, including no more than 1 female mallard, 1 redhead, 2 canvasbacks and 1 pintail. The possession limit is twice the daily bag limit.

Coots, Moorhens and Gallinules

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots, moorhens, and gallinules, singly or in the aggregate. The possession limit is twice the daily bag limit.

Canada Geese

Season Dates: Same as ducks.

Bag and Possession Limits: 2 and 4 geese, respectively.

General Conditions: (1) The area open to hunting in the above seasons consists of: the entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. The remaining reservation waters are closed to waterfowl hunting during the 1996–97 hunting season.

(2) Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking.

(3) See other special regulations established by the White Mountain Apache Tribe that apply on the reservation, available from the reservation Game and Fish Department.

(l) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Nontribal Hunters)

Ducks (including mergansers)

Season Dates: Begin September 28, end December 29, 1996.

Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: The daily bag and possession limit is 25.

Geese

Dark

Season Dates: Begin September 28, 1996, end January 5, 1997.

Daily Bag and Possession Limits: 4 and 8 geese, respectively.

White

Season Dates: Begin September 28, 1996, end January 5, 1997.

Daily Bag and Possession Limits: 3 and 6 geese, respectively.

General Conditions: Nontribal hunters must comply with all basic Federal migratory bird hunting regulations contained in 50 CFR Part 20 regarding manner of taking. In addition, shooting hours are sunrise to sunset and each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face.

Special regulations established by the Confederated Salish and Kootenai Tribes also apply on the reservation.

(m) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Nontribal Hunters)

Ducks

Season Dates: Begin October 26, end December 22, 1996.

Daily Bag and Possession Limits: 5 ducks, including no more than 1 female mallard, 1 mottled duck, 1 canvasback, 1 redhead, 1 pintail, and 2 wood ducks. The possession limit is twice the daily bag limit.

Mergansers

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 5 mergansers, including no more than 1 hooded merganser. The possession limit is twice the daily bag limit.

Dark Geese

Canada, Brant and White-fronted Geese

Season Dates: Begin October 5, 1996, end January 5, 1997.

Daily Bag and Possession Limits: 2 dark geese, including no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

Light Geese

Season Dates: Begin October 5, 1996, end January 5, 1997.

Daily Bag and Possession Limits: 10 and 20 geese, respectively.

General Conditions: The waterfowl hunting regulations established by this final rule apply only to tribal and trust lands within the external boundaries of the reservation. Tribal and nontribal hunters must comply with basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Crow Creek Sioux Tribe also apply on the reservation.

(n) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Nontribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 5, end November 30, 1996.

Daily Bag and Possession Limits: The daily bag limit is 7, including no more than 1 female mallard, 2 pintails and 2 redheads. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Geese

The 1996–97 goose season is closed.

General Conditions: Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Jicarilla Tribe also apply on the reservation.

(o) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal and Nontribal Hunters)

Non-tribal Hunters

Ducks

Season Dates: Begin October 1, 1996, end January 19, 1997. During this period, days to be hunted are specified by the Kalispel Tribe as weekends, holidays and for a continuous period in the month of December for a total of 68 days. Nontribal hunters should contact the tribe for more detail on hunting days.

Daily Bag and Possession Limits: 6 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 4 geese, including 4 dark geese but not more than 3 light geese. The possession limit is twice the daily bag limit.

General: Hunters must observe all State and Federal regulations, such as those contained in 50 CFR Part 20 and including the possession of a validated Migratory Bird Hunting and Conservation Stamp.

Tribal Members

Ducks

Season Dates: Begin October 1, 1996, end January 31, 1997.

Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 4 geese, including 4 dark geese but not more than 3 light geese. The possession limit is twice the daily bag limit.

General: Tribal members must possess a validated Migratory Bird Hunting and Conservation Stamp and a tribal ceded lands permit.

(p) Klamath Tribe, Chiloquin, Oregon (Tribal Members)

Ducks

Season Dates: Begin October 1, 1996, end January 31, 1997.

Daily Bag and Possession Limits: 9 and 16 ducks, respectively.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 25 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 6 and 12 geese, respectively.

General: The Klamath Tribe provides regulations enforcement authority in its game management officers, biologists and wildlife technicians, and has a court system with judges that hear cases and set fines.

(q) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Nontribal Hunters)

Ducks (including mergansers)

Season Dates: Begin October 10, end December 31, 1996.

Daily Bag and Possession Limits: 5 ducks, including no more than 1 pintail, 1 mottled duck, 1 redhead, 1 canvasback, 2 wood ducks, 1 female mallard and 1 hooded merganser. The possession limit is twice the daily bag limit.

Geese

Dark Geese

Season Dates: Begin October 7, end December 31, 1996.

Daily Bag and Possession Limits: 2 geese, including no more than 1 white-fronted goose (or 1 brant). The possession limit is twice the daily bag limit.

White Geese

Season Dates: Same as dark geese.

Daily Bag and Possession Limits: 10 and 20 geese, respectively.

General Conditions: All hunters must comply with the basic Federal migratory bird hunting regulations in 50 CFR Part 20, including the use of steel shot. Nontribal hunters must possess a validated Migratory Waterfowl Hunting and Conservation Stamp. The Lower Brule Sioux Tribe has an official Conservation Code that hunters must

adhere to when hunting in areas subject to control by the tribe.

(r) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Nontribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin October 8, 1996, end January 8, 1997.

Daily Bag and Possession Limits: 7 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 10 and 20 coots, respectively.

Geese

Season Dates: Begin October 8, 1996, end January 13, 1997.

Daily Bag and Possession Limits: 4 geese, including not more than 3 light geese and 2 white-fronted geese. The possession limit is twice the daily bag limit.

Common Snipe

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 8 and 16 snipe, respectively.

General Conditions: Nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must possess a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Other regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

(s) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

Ducks (including mergansers)

Season Dates: Begin September 28, 1996, end February 18, 1997.

Daily Bag and Possession Limits: 10 ducks, including no more than 1 female mallard, 2 pintails, 1 canvasback and 2 redheads. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 28 coots.

Geese

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 7 geese, including 7 dark geese but no more than 6 light geese. The possession limit is twice the daily bag limit.

Brant

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 5 and 10 brant, respectively.

General Conditions: The Swinomish Tribal Community has established additional special regulations for on-reservation hunting. Tribal hunters should consult the tribal office for additional information.

(t) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Nontribal Hunters)

Ducks (including Mergansers)

Season Dates: Begin October 19, end December 30, 1996.

Daily Bag and Possession Limits: 5 ducks, including no more than 1 female mallard, 2 redheads, 1 pintail, 1 hooded merganser, and 2 wood ducks. The possession limit is twice the daily bag limit.

Coots

Season Dates: Same as ducks.

Daily Bag and Possession Limits: 15 and 30 coots, respectively.

Dark Geese

Season Dates: Begin November 2, 1996, end January 31, 1997.

Daily Bag and Possession Limits: 2 geese, including no more than 1 white-fronted goose (or brant). The possession limit is twice the daily bag limit.

White Geese

Season Dates: Same as dark geese.

Daily Bag and Possession Limits: 10 and 20 geese, respectively.

General Conditions: (1) The waterfowl hunting regulations established by this final rule apply to tribal and trust lands within the external boundaries of the reservation.

(2) Tribal and nontribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or older must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the stamp face. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

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Agricultural Marketing Service

Apples and pears shipped to Pacific ports of Russia; grade requirements relaxation; published 9-26-96

Soybean promotion, research, and consumer information:

Federal regulatory reform; published 9-27-96

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Caifornia; published 8-28-96

Kentucky; published 9-27-96

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Hazardous waste program authorizations:

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Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Acephate, etc.; published 7-29-96

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Radio stations; table of assignments:

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GOVERNMENT ETHICS OFFICE

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Fish and Wildlife Service

Migratory bird hunting:

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Contractor overhead rates; settlement process; published 7-29-96

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OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

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Animal and Plant Health Inspection Service

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Horses from Mexico; quarantine requirements; comments due by 9-30-96; published 7-31-96

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