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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: February 21, 1996 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 310

[Docket No. 95–048DF]

RIN 0583–AC03

Use of the Fast Antimicrobial Screen Test for Bob Veal Calves

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Affirmation of effective date.

SUMMARY: On December 22, 1995, the Food Safety and Inspection Service (FSIS) published a direct final rule titled ''Use of the Fast Antimicrobial Screen Test for Bob Veal Calves.'' The direct final rule permits the use of the Fast Antimicrobial Screen Test to be used in lieu of the Calf Antibiotic and Sulfonamide Test under FSIS' bob veal calf residue testing program. No adverse comments or written notice of intent to submit adverse comments were received in response to the direct final rule. Therefore, this rule is effective on February 20, 1996.

EFFECTIVE DATE: February 20, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 720–7164.

SUPPLEMENTARY INFORMATION: This notice affirms the effective date of the direct final rule titled ''Use of the Fast Antimicrobial Screen Test for Bob Veal Calves,'' that was published on December 22, 1995, at 60 FR 66482. The direct final rule permits the use of the Fast Antimicrobial Screen Test to be used in lieu of the Calf Antibiotic and Sulfonamide Test under FSIS' bob veal calf residue testing program. FSIS did not receive any written adverse comments or written notice of intent to submit adverse comments in response to this rule. Therefore, the effective date of the rule is February 20, 1996.

Done at Washington, DC: February 2, 1996.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 96–2749 Filed 2–8–96; 8:45 am]

BILLING CODE 3410–DM–P

FEDERAL ELECTION COMMISSION

11 CFR Parts 9034 and 9038

[Notice 1996–5]

Public Financing of Presidential Primary and General Election Campaigns

AGENCY: Federal Election Commission.

ACTION: Final rule; correcting amendments; announcement of effective date.

SUMMARY: On November 16, 1995, the Commission published final rules correcting promulgation errors made in final rules published June 16, 1995 (60 FR 31854) regarding public financing of presidential primary and general election candidates. The Commission announces that these rules are effective as of February 9, 1996.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, or Ms. Rita Reimer, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 219–3690 or toll free (800) 424–9530.

SUPPLEMENTARY INFORMATION: On June 16, 1995, the Commission published final rules revising its regulations governing public financing of presidential primary and general election candidates. 60 FR 31854. These rules became effective on August 16, 1995. 60 FR 42429.

On November 16, 1995, the Commission published corrections to these final rules to restore language inserted in 1991 that had inadvertently been dropped from the rules. 60 FR 57538. The June 16 document deleted language in 11 CFR 9034.4(a)(3)(ii) relating to candidates who continue to campaign after their dates of ineligibility. It also deleted language in 11 CFR 9038.2(b)(2)(iii) that shortened the time period during which an ineligible candidate's non-qualified campaign expenses would generate a repayment obligation, thereby reducing the amount of the candidate's repayment. The correcting amendments restored the deleted language.

Section 9039(c) of Title 26, United States Code, requires that any rules or regulations prescribed by the Commission to implement Chapter 96 of Title 26 of the United States Code, the Presidential Primary Matching Payment Account Act, be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days prior to final promulgation. The revisions to 11 CFR 9034.4(a)(3)(ii) and 9038.2(b)(2)(iii) were transmitted to Congress on November 9, 1995. Thirty legislative days expired in the Senate and the House of Representatives on January 5, 1996.

Announcement of Effective Date

11 CFR sections 9034.4(a)(3)(ii) and 9038.2(b)(2)(iii), as published at 60 FR 57538, are effective as of February 9, 1996.

Dated: February 5, 1996.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 96–2758 Filed 2–8–96; 8:45 am]

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 7 and 31

[Docket No. 96–03]

RIN 1557–AB38

Interpretive Rulings

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is revising its interpretive rulings. This final rule is another component of the OCC's Regulation Review Program to update and streamline OCC regulations, focus regulations on key safety and soundness concerns and agency objectives, and eliminate requirements that impose inefficient and costly regulatory burdens on national banks. The final rule

clarifies, revises, and reorganizes existing interpretive rulings, eliminates rulings that are obsolete, adds interpretive rulings to address new issues, and relocates some interpretive rulings to another part of title 12.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Stuart E. Feldstein, Senior Attorney, Legislative and Regulatory Activities, (202) 874–5090; Jacqueline Lussier, Senior Attorney, Legislative and Regulatory Activities, (202) 874–5090; Daniel Cooke, Attorney, Legislative and Regulatory Activities, (202) 874–5090; or Saumya R. Bhavsar, Attorney, Legislative and Regulatory Activities, (202) 874–5090. Office of the Comptroller of Currency, 250 E Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1995, the OCC published a notice of proposed rulemaking (60 FR 11924, March 3, 1995) (proposal) to revise 12 CFR part 7—the OCC's interpretive rulings. Part 7 serves as a repository of interpretive rulings applicable to national banks that generally are not related to the subject matter contained in other parts of chapter I of title 12.

The proposal sought to implement the goals of the Regulation Review Program by updating and streamlining the regulation and eliminating requirements that imposed inefficient and costly regulatory burdens on national banks. The proposal also eliminated obsolete rulings, added interpretive rulings to address new issues, and transferred some interpretive rulings to 12 CFR part 31.

Comments Received and Changes Made

The final rule implements most of the initiatives contained in the proposal. However, the OCC has made a number of changes in response to the comments received and to further reduce unnecessary regulatory burden.

The OCC received 112 comment letters on the proposal. The vast majority of these commenters supported the proposed changes to part 7. The comment letters included 36 from banks and bank holding companies, 24 from trade associations, 19 from governmental representatives, 16 from law firms, eight from private businesses, four from community groups, three from congressmen, one from an unaffiliated individual, and one from a clearinghouse.

Commenters strongly favored reducing unnecessary regulatory burden and updating and clarifying the interpretive rulings. Overall, most commenters commended the OCC's efforts, and some commenters offered variations on certain of the proposed changes.

Many commenters recommended changes that focused on specific sections of the proposal. The OCC carefully considered each of the comment letters, and the section-by-section discussion later in this preamble identifies and discusses comments received and changes made to certain sections of the proposal.

Overview of the Final Rule

The final rule adopts the proposal's structural format and reorganizes part 7 into four topic areas: Subpart A—Bank Powers, Subpart B—Corporate Practices, Subpart C—Bank Operations, and Subpart D—Preemption. Distribution and derivation tables summarizing sections of former part 7 changed by the final rule are included at the end of this preamble. The OCC anticipates adding rulings in the future to part 7 or other parts in title 12 as necessary to address changing industry practices and developing issues.

The OCC received comments on a number of sections for which it did not propose substantive changes. The OCC has reviewed the comments and is not making any changes to certain of these sections at this time. A list of these unchanged sections is included at the end of the section-by-section summary.

Finally, the final rule removes a number of sections, moves certain sections to another part of title 12, and retains certain sections pending the issuance of final rules for 12 CFR parts 1 and 5. A description of these sections is contained at the end of the preamble.

Section-by-Section Discussion

National Bank Ownership of Property (Section 7.1000)

The proposal simplified and consolidated into a single section, § 7.1000, several interpretive rulings relating to permissible ownership of real property by national banks. Proposed § 7.1000: (1) described real estate that a bank may own pursuant to 12 U.S.C. 29 and permissible means of holding that real estate; (2) stated that a bank may own fixed assets; (3) identified certain limitations on investment in bank premises and on exercising options to purchase bank premises; (4) stated the circumstances under which a national bank may purchase a transferred employee's residence; (5) provided that a bank may engage in lease financing transactions of public facilities; and (6) provided that a bank may organize a bank premises subsidiary as a corporation, a partnership, or similar entity.

Most of the comments generally supported the proposal. One commenter urged the OCC to state in § 7.1000, as it had in the preamble to the proposal, that a bank may organize a bank premises subsidiary as a limited liability company. In response to this suggestion, the final ruling states that the term ''similar entity'' includes limited liability companies.

The OCC also requested comment on whether to expand the proposal permitting a national bank to own real estate for leasing to municipalities or other public authorities to include other types of lease financing transactions. Several commenters urged the OCC to expand the proposal to permit ownership where the lessee is a non-public sector entity. The OCC has decided, however, that it will not address this issue at this time.

The final rule also simplifies and clarifies § 7.1000's description of the types of real estate that may be held pursuant to the authority granted by 12 U.S.C. 29 (First). In addition, the final rule makes a minor organizational change by moving proposed § 7.1000(c), which describes the permissible means of holding real estate necessary for the transaction of business, into proposed § 7.1000(a), which discusses that real estate.

The final rule also eliminates cross references to 12 CFR part 5, because the approval provisions referenced in the proposal have not yet been promulgated in part 5. The OCC will reinsert appropriate cross references when revisions to part 5 are promulgated.

National Bank Acting as Finder (Section 7.1002)

The proposal clarified that a national bank may act as a finder of certain goods and services in addition to acting as a finder for insurance. The proposal also stated that acting as a finder does not include activities that would characterize the bank as a broker under applicable Federal law. Three commenters recommended that the OCC remove this limitation.

Two commenters recommending removal of this limitation expressed concern that the statement is unnecessary and may create some uncertainty concerning a national bank's legal authority to engage in brokerage activities. The OCC does not intend for this provision to limit a national bank's authority to act as a broker where permitted under applicable Federal law. It merely clarifies that the authority to act as a

finder is different from the authority to act as a broker and that a bank may not rely on the ''finder'' authority to engage in ''brokerage'' activities that are otherwise not authorized by Federal law. The proposal also stated that, ''Unless otherwise prohibited,'' a national bank may advertise and accept a fee for acting as a finder. Two commenters suggested that the OCC delete the phrase ''Unless otherwise prohibited'' to permit a national bank to act as a finder without restriction. However, this language recognizes that some limitations may apply to national bank finders fees. For example, state laws may prohibit brokers from splitting commissions with nonbrokers. In addition, the Real Estate Settlement Procedures Act (RESPA) and its implementing regulations prohibit the acceptance of a fee for a referral to a settlement service if the referral involves a federally-related mortgage loan. *See* 12 U.S.C. 2601 through 2617, and 24 CFR 3500.14(b). Therefore, the final ruling retains this phrase.

One commenter also suggested that the OCC reference RESPA in the final ruling to ensure that banks do not mistakenly believe that this ruling preempts RESPA. However, the OCC believes that adding this reference is unnecessary and, therefore, adopts § 7.1002 as proposed.

Money Lent at Banking Offices or at Other Than Banking Offices (Section 7.1003); Loans Originating at Other Than Banking Offices (Section 7.1004); Credit Decisions at Other Than Banking Offices (Section 7.1005)

Proposed §§ 7.1003, 7.1004, and 7.1005 addressed the circumstances under which the OCC would apply the branching limitations and procedures set forth in 12 U.S.C. 36 and 12 CFR 5.30 to lending activities by national banks.

Proposed § 7.1003 incorporated case law relating to where ''money'' is ''lent'' for purposes of branching. Under the proposal, money is lent where the customer, in person, receives loan funds from the bank. Thus, if a customer receives funds from a bank employee or at bank premises, the bank would be subject to branching limitations and require OCC branch approval. However, if the customer receives funds from an independent third party, including a messenger service described in § 7.1012, at a nonbank facility, the bank would not be subject to branching limitations and would not require OCC branch approval. Proposed § 7.1003 also would codify OCC interpretations that branching requirements do not encompass certain accepted industry practices on loan disbursal such as when an attorney or escrow agent disburses funds at a real estate closing.

Proposed § 7.1004 retained the language in § 7.7380, a judicially recognized safe harbor explaining the circumstances under which national banks may originate loans at nonbranch sites, known as loan production offices (LPOs), without those sites being considered branches.

Proposed § 7.1005 incorporated OCC interpretations explaining that offices at which loan *approvals* occur are not, solely by virtue of that activity, considered branches. This interpretation also recognized that a bank may approve loans originated at an LPO at locations other than the bank's main office or branches without causing the LPO to be considered a branch, even though this process does not fit squarely within the safe harbor set forth in § 7.1004. Of course, this LPO or loan approval office would constitute a branch if it undertakes to lend money as defined in § 7.1003 or otherwise is defined as a branch under the McFadden Act (12 U.S.C. 36(j)) and 12 CFR 5.30.

Fifteen commenters addressed one or more aspects of these rulings. Most supported the proposals generally or had specific comments seeking clarification of certain aspects of the proposed language. Several asked the OCC to state that the § 7.1003 language regarding where a loan is made pertains only to the lending of money for branching purposes and does not control where a loan is made for purposes of applying applicable state laws.

In proposing these rulings, the OCC considered only the language and history of 12 U.S.C. 36(j) concerning what constitutes a ''branch'' for purposes of the McFadden Act. Thus, for clarification purposes, the final ruling uses the term ''money lent'' contained in the McFadden Act instead of the phrase ''loan is made'' and explicitly states that the definition of ''money lent'' applies only to that term as used in 12 U.S.C. 36(j) and 12 CFR 5.30. The OCC does not intend to apply this definition to the determination of where a bank is ''located'' for purposes of applying usury limits set forth in 12 U.S.C. 85 or to control the applicability of various state laws pertaining to lending.

Several commenters thought that the branching definition set forth in proposed § 7.1003 was incomplete because it did not take into account whether the bank had established the lending facility or whether the public had access to the facility. However, the OCC has proposed to include a general definition of what constitutes a branch, including the ''public access'' and ''establishment'' tests, in its proposed revisions to 12 CFR part 5.[1]

Several commenters asked the OCC to clarify where money would be considered to be lent for branching purposes. One commenter expressed concern that because many loans do not involve in-person disbursement, a bank could make a loan without branch involvement, thus creating a ''gap'' that causes the test to fail. The OCC recognizes that technology and market developments may, in many instances, result in a bank making a loan without branch involvement. This has long been the case on the deposit side where a customer can make deposits and withdrawals by mail or through shared ATMs or other electronic means without branch involvement. As on the deposit side, this ''gap'' does not cause the test to fail—it just recognizes modern realities that banks can undertake traditional banking activities in ways that Congress did not contemplate in the McFadden Act as adopted in 1927. In the final ruling the OCC specifically includes in § 7.1003(a) the phrase ''if any'' to indicate that the OCC does not believe that the making of a loan necessarily causes any particular location to be a ''branch'' within the meaning of 12 U.S.C. 36.

Several commenters also questioned the interplay of § 7.1004 with §§ 7.1003 and 7.1005. The OCC has retained § 7.1004, former § 7.7380, because it is a judicially recognized safe harbor permitting national banks to undertake certain lending related activities without the constraints of the McFadden Act. The OCC notes, however, that this is a safe harbor; merely because a lending related activity falls outside the scope of § 7.1004, as with § 7.1005 regarding the making of credit decisions, does not mean that the OCC views the bank as violating the McFadden Act.

One commenter also stated that § 7.1003(b) was not broad enough. The OCC emphasizes that any person or entity qualifying under the messenger service ruling (§ 7.1012), could deliver loan proceeds without implicating the branching rules and that § 7.1012 is itself a safe harbor.

[1] *See* 59 FR 61034 (proposed November 29, 1994). In this regard, the OCC also notes that what constitutes ''establishment'' of a branch would more appropriately be determined pursuant to an analysis of the McFadden Act, case law, and 12 CFR part 5. Thus, the OCC has changed references in proposed § 7.1003 to a facility that is ''owned or rented'' by a bank to a facility that is ''established'' by a bank.

Thus, the OCC has adopted §§ 7.1003, 7.1004, and 7.1005 substantially as proposed. The final ruling clarifies that the definition of the phrase ''money lent'' applies solely to that phrase as used in the McFadden Act and 12 CFR 5.30. In addition, the OCC has changed the references in the proposal to the ''disbursal of funds by the bank to a customer'' to the ''receipt of loan proceeds directly from bank funds.'' This change clarifies that the key portion of a loan transaction for branching purposes is in-person receipt by the borrower from the bank or on bank premises of loan proceeds directly from bank funds—not disbursement by the bank through any mechanism, nor disbursement of funds that at the time of receipt by the borrower are not bank funds, nor disbursement of funds that do not at the time of disbursement constitute loan proceeds. In addition, in the final ruling the OCC changes references to a ''subsidiary corporation'' to ''operating subsidiary.''

Loan Agreement Providing for a Share in Profits, Income or Earnings or for Stock Warrants (Section 7.1006)

The proposal did not change this section, which permits a national bank to take as consideration for a loan a share in the profit, income, or earnings from a business enterprise of a borrower. One commenter suggested that the OCC state that a national bank may accept stock warrants as consideration for a loan.

The OCC has previously approved the acceptance of stock warrants taken in addition to, or in lieu of, interest on a loan, provided that a national bank does not exercise the acquired stock warrants. *See* OCC Interpretive Letter No. 517 (August 16, 1990), *reprinted in* [1990–1991 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 83,228. The OCC has incorporated this interpretation into the final ruling.

Postal Service by National Bank (Section 7.1010)

The proposal made no substantive changes to this section. One commenter noted that, by stating that the services performed by a postal substation may include meter stamping of letters and packages, and the sale of related insurance, the ruling could imply that a national bank may offer only the listed services. The OCC does not intend for this to be an exclusive list of services and has, by interpretive letters, found that a national bank may engage in other activities, including selling stamps, accepting letters and packages for mailing, and maintaining post office boxes. Because a national bank operating a postal substation must do so in accordance with the regulations of the United States Postal Service, the OCC has changed the ruling to reference those regulations.

National Bank Acting as Payroll Issuer (Section 7.1011)

The proposal made no substantive changes to former § 7.7485, which recognized that a national bank may disburse to employees of a bank customer payroll funds deposited with the bank by that customer. One commenter observed that the proposed ruling could be read narrowly to bar disbursement of payroll funds if made indirectly to the employee by crediting the employee's account with a financial institution other than the disbursing bank. The OCC has recognized that a national bank may forward funds to other banks in which a customer's employees maintain accounts. *See* Letter from F.H. Ellis, Chief National Bank Examiner (July 19, 1971) (unpublished).[2] The OCC has modified the proposal and former ruling to reflect that precedent and to incorporate certain technical changes.

Debt Cancellation Contracts (Section 7.1013)

The former interpretive ruling permitted national banks to offer customers debt cancellation contracts (DCCs) that cancel debt upon the death of the borrower. The proposal added disability and unemployment as types of DCCs that are expressly permitted by the interpretive ruling.

The OCC received several comments on this section. The majority of those commenters supported the proposal. Some urged the OCC to expand the final ruling to state that national banks may offer additional types of DCCs that the OCC did not include in the proposal. Some commenters, however, cautioned that DCCs present certain risks, and, therefore, did not support expansion of the former interpretive ruling.

The final ruling expands the former ruling to provide that a national bank may offer DCCs for the death *or* disability of a borrower. The OCC recognizes that it also may be appropriate for a national bank to offer a DCC that is triggered by other events. However, risk considerations that may be particular to other types of DCCs, or to specific banks, require the OCC to consider these other types of DCCs on a case-by-case basis.

In addition, national banks offering DCCs, whether for death or disability, or for other triggering events, must do so in a safe and sound manner. If a bank is unable to demonstrate an ability by itself to estimate and reserve adequately for the risks attendant to DCCs, the bank may obtain third party coverage or take other measures to cover the risks presented by the DCC.

Independent Undertakings To Pay Against Documents (Section 7.1016)

The proposal updated former § 7.7016 to reflect modern market standards and industry usage and replaced the term ''letters of credit'' with ''independent undertakings.'' The term ''independent undertakings'' is used by the United Nations Commission on International Trade Law (UNCITRAL) to cover a broader array of transactions in this area.

The proposal extended the same safety and soundness principles in the former ruling to this broader class of independent undertakings. The proposal explained that non-documentary conditions on the bank's undertaking are not relevant to the bank's obligation to honor its commitment. Furthermore, the proposal provided a clearer statement of regulatory standards directed to the segment of the banking industry that engages in these activities. The proposal also provided a non-exclusive list of sample laws and rules of practice under which a national bank may issue independent undertakings.

The OCC received 13 comments with the majority supporting the proposal. Several commenters recommended that when referencing applicable laws or rules of practice, the ruling should use generic citation references or citations to their most recent versions. The OCC has updated the non-exclusive list of sample laws and rules of practice to refer to Revised Article 5 of the Uniform Commercial Code (UCC) (1995) (current model code) as well as Article 5 of the UCC (1990) (former model code), and to the 1993 version of the Uniform Customs and Practice for Documentary Credits (ICC Publication No. 500) (effective January 1, 1994) instead of the 1983 version. The sample listing is intended to provide non-exclusive examples of laws or rules of practice, as the cited examples may not necessarily apply in a particular case or may be revised in the future, or other applicable laws or rules of practice subsequently may come into effect. The OCC has added the phrase ''as any of the foregoing may be amended from time to tim'' to the end of the non-exclusive listing of sample laws and rules of

[2] All unpublished OCC staff interpretive letters are available (in redacted form) upon request from the Communications Division, 250 E Street, SW, Washington, DC 20219 (202) 874–4700.

practice to recognize that they may be revised from time to time.

Four commenters recommended clarifying that ''evergreen'' clauses are permissible, despite the proposal's requirement in § 7.1016(b)(1)(iii) that the undertaking be ''limited in duration.'' Long-standing OCC precedent permits national banks to use ''evergreen'' or ''automatic extension'' clauses in their letters of credit provided that the bank retains the right not to renew the letter of credit. Therefore, the final ruling adds clarifying language expressly permitting a national bank to issue an undertaking without an express expiration date, provided that the bank has the right to cancel the undertaking upon notice to the parties.

Several commenters objected to the word ''must'' in proposed § 7.1016(b), as ''must'' seemed to impose mandatory safety and soundness conditions on the issuance of independent undertakings. The final ruling changes references in § 7.1016(b) from ''must'' to ''should,'' consistent with former § 7.7016, to provide banks with added flexibility in structuring and entering into financing arrangements. Nonetheless, the OCC strongly urges national banks to evaluate these safety and soundness factors when issuing independent undertakings.

Some commenters asked whether the proposal's reference to a bank issuing an undertaking for its own account meant that the OCC permits national banks to issue two-party letters of credit. As intended in the proposal, the OCC's position is that a national bank may issue a two-party letter of credit provided that it is permissible under applicable law and satisfies the requirements of § 7.1016(b)(2)(iii), regarding a bank's undertaking for its own account. Since a two-party letter of credit is issued for the bank's own account, the two-party letter of credit satisfies the requirements of § 7.1016(b)(1)(iv), regarding a bank's right of reimbursement.

National Bank as Guarantor or Surety on Indemnity Bond (Section 7.1017)

The proposal removed a well-settled provision stating that foreign branches may exercise additional powers pursuant to 12 U.S.C. 604a. The proposal made no other substantive changes.

The proposal generally provided that a national bank may act as guarantor or surety to indemnify another if the bank has a substantial interest in the performance of the transaction or a segregated deposit sufficient in amount to cover the bank's total potential liability. One commenter suggested that the OCC should expand the ruling to permit a national bank to guarantee or indemnify a party to a transaction if the guarantee or indemnification is secured by any of the types of collateral acceptable under section 23A of the Federal Reserve Act (FRA) (12 U.S.C. 371c) for a ''covered transaction.''

The OCC finds that the types of collateral listed at section 23A(c)(1) (A) and (B) of the FRA (12 U.S.C. 371c(c)(1) (A) and (B)), the 100 and 110 percent collateral categories, respectively, are acceptable for a national bank to use as security without undue risk when acting as a guarantor or surety to indemnify another. Therefore, the final ruling permits a national bank to lend its credit, bind itself as surety to indemnify another, or otherwise become a guarantor to a transaction if the bank has a security interest in either of these two categories of collateral.

The 100 percent collateral category includes obligations of the United States or its agencies, obligations fully guaranteed by the United States or its agencies as to principal and interest, and notes, drafts, bills of exchange, and bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank. The 110 percent collateral category includes obligations of a state or political subdivision of a state.

To ensure that the bank is not exposed to a risk of loss, the bank must perfect its security interest in the collateral. For example, if the collateral is a printed security, the bank must have obtained physical control of the security, and, if the collateral is a book entry security, the bank must have properly recorded its security interest.

Because the value of these types of collateral can fluctuate, the final ruling requires that the collateral have a market value, at the close of each business day, equal to the bank's total potential liability if the collateral is composed of obligations of the United States or its agencies, obligations fully guaranteed by the United States or its agencies as to principal and interest, or notes, drafts, bills of exchange, or bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank. If the collateral is composed of obligations of a state or political subdivision of a state, it must have a market value, at the close of each business day, equal to 110 percent of the bank's total potential liability.

Furnishing of Products and Services by Electronic Means and Facilities (Section 7.1019)

The proposal permitted a national bank to use data processing equipment to perform for itself and others ''all services expressly or incidentally authorized under the statutes applicable to national banks.'' The proposal also incorporated the OCC's interpretive position that a national bank using data processing equipment or technology to perform authorized services may market and sell ''any legitimate excess capacity'' in that equipment or technology. *See, e.g.*, OCC Interpretive Letter No. 677 (June 28, 1995), *reprinted in* [1994–1995 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 83,625.

The OCC requested comment on whether the proposed language is necessary. The OCC also requested comment on whether the OCC should more specifically describe permissible sales of excess capacity and the services that a national bank may provide using data processing equipment or technology.

All 12 of the commenters generally supported the proposal. A majority of the commenters stated that greater specificity in describing authorized services would not be useful because more detailed language would quickly become outdated by the rapid development of technology. In addition, a majority of the commenters urged the OCC to adopt a broader standard than the proposal used to define the scope of permissible sales of data processing equipment and technology. Three commenters urged the OCC to delete the term ''legitimate'' from the phrase ''legitimate excess capacity.'' One commenter suggested that the OCC state that a bank may market and sell any excess capacity in data processing equipment or technology that the bank acquired or developed for banking purposes based on a good faith determination of its own current and future needs.

The OCC considered a number of alternatives for changing the proposal to modernize the treatment of permissible data processing activities. The OCC recognizes that national banks are engaging, and will engage, in an increasing range of activities through electronic means and facilities beyond simply ''data processing.'' For this reason, the OCC has modified this ruling to refer to activities, functions, products, and services provided via electronic means and facilities, rather than ''data processing'' and changes the title of § 7.1019 from ''Use of data processing equipment and furnishing of data processing services'' to ''Furnishing of products and services by electronic means and facilities.''

The OCC also finds the commenter's suggestion of a ''good faith'' standard to be more appropriate than ''legitimate

excess capacity'' to define the scope of a national bank's permissible sales of excess electronic capacities. The good faith requirement is an important safeguard against abusing this authority. Therefore, the OCC adopts the commenter's suggestion. Moreover, the final ruling, which expressly states that these sales are appropriate for a bank to optimize the use of the bank's resources, more closely parallels the standard the OCC applies when national banks utilize their excess *physical* space for non-bank uses. *See, e.g.,* Letter from Peter Liebesman, Assistant Director, Legal Advisory Services Division (July 24, 1987) (unpublished) and cases cited therein, *Wingert* v. *First Nat'l Bank of Hagerstown, Md.,* 175 F. 739 (4th Cir. 1909), *aff'd,* 223 U.S. 670 (1912); *Brown* v. *Schleier,* 118 F. 981 (8th Cir. 1902), *aff'd,* 194 U.S. 18 (1904).

Purchase of Open Accounts (Section 7.1020)

The proposal contemplated moving former § 7.1105 to 12 CFR part 32. However, the section relates to a national bank's ability to engage in factoring, and the OCC has concluded that it more appropriately belongs in part 7. Therefore, the final ruling adopts the language contained in the former ruling, except for the language that ''accounts need not in every case represent an evidence of debt.'' This language is removed because it is well settled under OCC precedents that factoring is an extension of credit for lending limit purposes.

Corporate Governance Procedures (Section 7.2000)

The proposal provided that a national bank undertaking a corporate governance procedure must comply with applicable statutes and regulations, and safe and sound banking practices. The proposal also established a safe harbor for a national bank that undertakes a corporate governance procedure, if the bank complied with certain OCC-designated sections of the Model Business Corporation Act (MBCA), where the Federal banking statutes and regulations are otherwise silent on the matter. The OCC invited comment on whether the MBCA is the appropriate form of guidance to provide national banks with additional flexibility in structuring their corporate practices or whether the Delaware General Corporation Law or other sources are preferable.

The OCC received ten comments on the proposal. A number of commenters recommended that the final ruling permit a national bank to rely on the corporate governance procedures of the state where the bank is located or the state where the bank's holding company, if any, is incorporated. Two commenters recommended expanding the list of permissible MBCA sections so that a national bank could rely on any section of the MBCA to the extent it is not inconsistent with Federal banking statutes or regulations. One commenter suggested permitting the bank to rely on an opinion of counsel that the procedure is permissible for a national bank.

Four commenters also discussed Delaware General Corporation Law as a source of guidance. Two of these commenters stated that Delaware law would be an acceptable source of guidance. One commenter supported permitting the use of Delaware law as an alternative to the MBCA. One commenter opposed the use of Delaware law unless other states' laws are similarly permitted as a source of guidance for national bank corporate governance procedures.

After careful consideration of the comments received, the OCC has adopted a revised two-step approach that provides national banks with maximum flexibility to structure their corporate governance procedures while providing shareholders and others with adequate notice as to the body of corporate standards on which the bank will rely. Under the final ruling, a corporate governance procedure used by a national bank must comply with applicable Federal banking statutes and regulations, and safe and sound banking practices. In addition, to the extent not inconsistent with those Federal banking statutes and regulations, or safe and sound banking practices, a national bank may elect to follow the corporate governance procedures of the state in which the main office of the bank is located, the state where the bank's holding company is incorporated, the Delaware General Corporation Law, Del. Code Ann. tit. 8 (1991, as amended 1994, and as amended thereafter), or the MBCA (1984, as amended 1994, and as amended thereafter). This approach provides national banks with a wide range of choices to structure their corporate governance procedures consistent with the particular needs of the bank.

The OCC is mindful, however, of providing shareholders and other interested parties with adequate notice of the bank's corporate governance procedures. Therefore, the final ruling requires the bank to designate in its bylaws the body of law that will govern its corporate procedures. The final ruling also retains a process for a bank to seek informal staff guidance regarding permissible corporate governance procedures.

Notice of Shareholders' Meetings (Section 7.2001)

The proposal simplified the language in former § 7.4000 and clarified that a national bank must mail notice of the time, place, and purpose of all shareholders' meetings at least ten days before the proposed meeting.

Two commenters recommended revising this section to permit the sole shareholder of a national bank to waive notice of the shareholders' meeting. The OCC agrees that permitting the sole shareholder to waive shareholder notice will not detrimentally affect bank safety and soundness and will eliminate unnecessary regulatory burden. Thus, the final ruling adds a new sentence that the sole shareholder of a national bank may waive the notice requirements of this section.

Two commenters also recommended modifying this section to state that shareholders generally may waive their right to written notice of shareholder meetings. As a general matter, the OCC does not accept written waivers of the general requirement for notice of regular annual meetings of national banks or meetings involving certain types of fundamental corporate changes. The corporate affairs of a bank may not as closely involve shareholders as directors, and thus regular annual meetings provide an important forum for expression of shareholder views. In addition, the absence of notice and full disclosure for meetings, particularly those involving fundamental corporate changes, could jeopardize the ability of shareholders to protect their rights.

Another commenter recommended expanding the section to require a national bank to mail ''or otherwise deliver'' shareholders' notice. However, requiring a national bank to mail shareholders' notice of all shareholders' meetings at least ten days prior to the meeting by first class mail provides the OCC with confirmation of a bank's adherence to the ''ten day'' shareholder notice requirement. Therefore, the final ruling does not incorporate the phrase ''otherwise deliver.''

Honorary Directors or Advisory Boards (Section 7.2004)

The proposal permitted a national bank to appoint honorary or advisory members of the board of directors to act in advisory capacities without voting power or power of final decision in matters concerning the bank's business. The proposal made no substantive changes to this section. One commenter suggested clarifying that one or more

separate advisory boards are permitted. The final ruling changes the title and language of this section to clarify that more than one advisory board is permissible.

Ownership of Stock Necessary To Qualify as Director (Section 7.2005)

The proposal removed repetitive information requirements relating to directors' qualifying shares under 12 U.S.C. 72. It also incorporated OCC precedent to provide that a director's ownership of preferred stock in a national bank may satisfy statutory requirements. The proposal also clarified that a director may borrow from the bank or its affiliates the funds to purchase the required minimum equity interest.

The OCC received two comment letters on this section. The commenters each requested the OCC to state that a national bank director can hold qualifying shares in individual retirement accounts, retirement plans, 401(k) plans or other similar arrangements.

Twelve U.S.C. 72 requires a national bank director to own the qualifying shares in ''his or her own right.'' The purpose of the qualifying shares requirement is to ensure that a director has a sufficient individual financial interest in the bank to induce him or her to be vigilant in protecting the bank's interests. *Cupo v. Community National Bank & Trust Co. of New York*, 324 F. Supp. 1390, 1393 (E.D.N.Y. 1971). The OCC agrees that various retirement plans and similar arrangements may provide directors with the requisite financial interest to satisfy the qualifying shares requirement of 12 U.S.C. 72. Therefore, the final ruling provides that a director's qualifying interest also may be held through profit sharing plans, individual retirement accounts, retirement plans, and similar arrangements, provided the director retains beneficial ownership and legal control over the shares. For examples of arrangements the OCC has previously approved, *see* Letter from Peter Liebesman, Assistant Director, Legal Advisory Services Division (July 7, 1981) (unpublished); Letter from Larry J. Stein, Senior Attorney, Legal Advisory Services Division (May 28, 1986) (unpublished); Letter from Christopher C. Manthey, Senior Attorney, Legal Advisory Services Division (September 5, 1989) (unpublished); and Letter from James A. Wright, Attorney, Securities and Corporate Practices Division (November 6, 1989) (unpublished).

The OCC has also changed the ruling to reflect OCC precedent that eliminates some of the distinctions between the required amount of ownership a director must hold in national bank stock as opposed to holding company stock. *See* OCC Interpretive Letter No. 503 (April 4, 1989), *reprinted in* [1990–1991 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 83,201. Under the final ruling, a director may hold common or preferred stock of the bank or a company that controls the bank if that stock has not less than an aggregate par value of $1,000, an aggregate shareholders' equity of $1,000, or an aggregate fair market value of $1,000.

Filling Vacancies and Increasing Board of Directors Other Than by Shareholder Action (Section 7.2007)

The proposal modified former § 7.4305 to clarify that ''the majority of shareholders or a majority of directors'' may increase the number of directors and that this increase is limited to two directors (when the number of directors is 15 or fewer) or four (when the number of directors is 16 or more). The proposal also eliminated language that repeated the statute and clarified the procedures for filling vacancies on the board of directors.

The OCC received three comments on the proposal. One commenter noted that the language could be read to preclude shareholders from increasing the board of directors by more than two (when the number of directors is 15 or fewer) or four (when the number of directors is 16 or more). This is not the OCC's intent. Nothing in the final ruling is intended to limit whatever lawful authority shareholders, as distinct from the directors themselves, may have to increase the board of directors. Therefore, the final ruling has been changed to focus solely on increases made by action of the board of directors. Under the final ruling, if authorized by the bank's articles of association, a majority of the board of directors may increase the number of the bank's directors within the limits specified in 12 U.S.C. 71a. When the board of directors increases the number of directors, that increase is limited to two when the number of directors last elected by shareholders was 15 or fewer, and to four when the number of directors last elected by shareholders was 16 or more.

The final ruling also clarifies that the shareholders, a majority of the board of directors remaining in office, or, if the directors remaining in office constitute fewer than a quorum, an affirmative vote of the directors remaining in office, may fill a vacancy on the board of directors.

Oath of Directors (Section 7.2008)

The proposal removed the last paragraph of former § 7.4415, which restated the statute and separated the section into ''administration'' and ''execution'' of the oath. One commenter recommended clarifying that the oath must be maintained in writing for a specified period of time. The OCC removed the requirement in the former ruling that the director subscribe to the oath and immediately transmit it to the OCC to be filed and preserved for ten years because that requirement merely restates 12 U.S.C. 73. Therefore, the final ruling makes no changes and, as in the proposal, removes the last paragraph of the former ruling.

Directors' Responsibilities (Section 7.2010)

The proposal modified current § 7.4425 to state that while directors may delegate the day-to-day operations of the bank to management, the directors maintain responsibility for supervising management to ensure that the bank is operated in accordance with policies and procedures established by the board as well as with applicable law, regulations, and safe and sound banking practices.

Two commenters supported the proposal. Two commenters asserted that the word ''ensure'' implies that directors are guarantors of the bank's legal and regulatory compliance. One commenter suggested substituting the word ''determine'' for ''ensure.'' Another commenter criticized the proposal as contrary to statutory and case law in stating that the board may delegate only the bank's day-to-day operations but not the oversight function and for not stating that directors are entitled to rely reasonably on management, officers and inside and outside professionals for nearly all board functions. This commenter recommended issuing a separate interpretive ruling or Banking Circular on duties of national bank directors, or removing the ruling from part 7.

The proposal sought to provide directors with a more informed statement of the OCC's expectations regarding the responsibilities of a national bank's board of directors. However, the OCC acknowledges the limitations inherent in crafting a regulation in this complex area that is not overly detailed yet provides directors with clear and useful guidance as to their responsibilities. Sources already available, such as the OCC's Director's Book and the ''Comptroller's Handbook for National Bank

Examiners,'' [3] provide an informal and more extensive description of these responsibilities.

Thus, the final ruling has been changed to provide a general statement that the business and affairs of the bank shall be managed by or under the direction of the board of directors. However, in order to notify directors of their basic responsibilities and available sources of additional guidance, the final ruling also states that a director should refer to other OCC published guidance for additional information regarding the OCC's views on the responsibilities of national bank directors.

Compensation Plans (Section 7.2011)

The proposal combined and condensed current §§ 7.5000, 7.5010, and 7.5015, regarding bonus and profit sharing plans, pension plans, and employee stock option and stock purchase plans, respectively, into one section on compensation plans.

One commenter suggested that the list of compensation plans should be illustrative rather than exclusive as there are alternative types of compensation programs that may be appropriate for national banks but do not fall within one of these three types. The OCC agrees with the commenter and clarifies the final ruling to allow national banks flexibility to adopt compensation plans other than those specified in this section. The OCC has also changed the ruling to refer to the compensation provisions contained in 12 CFR part 30, Standards for Safety and Soundness.

Indemnification of Institution-affiliated Parties (Section 7.2014)

The proposal revised former § 7.5217 to state that a national bank may indemnify certain individuals and advance legal fees and expenses, subject to certain limitations. Under the proposal, a national bank could not, however, indemnify an individual where an administrative proceeding resulted in a final order that assessed a civil money penalty or required restitution, or a final removal or prohibition order under 12 U.S.C. 1818 (e) or (g).

The proposal also imposed certain procedural requirements for advancing expenses and legal fees in connection with administrative enforcement actions. Under the proposal, a national bank could advance expenses and legal fees if the disinterested members of the board of directors determined, in good faith, that there is a reasonable basis for the individual to prevail on the merits; that the individual has the financial capacity to reimburse the bank if he or she did not prevail; and that the payment of the expenses by the bank is not unsafe or unsound. The indemnified individual would have been required to repay advances to the bank, however, if the action or proceeding resulted in a final order assessing a civil money penalty or requiring restitution, or a final removal or prohibition order under 12 U.S.C. 1818 (e) or (g). The proposal also required an individual to execute a formal and binding agreement to reimburse the bank for expenses and fees in the event he or she did not prevail. The OCC invited comment on whether these standards were workable or too restrictive, and whether other standards were more appropriate.

On March 29, 1995, the Federal Deposit Insurance Corporation (FDIC) issued its second proposal relating to bank indemnification of institution-affiliated parties. The FDIC proposal would implement the so-called ''golden parachute'' and indemnification provisions of section 18(k) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) and would apply to all depository institutions, including national banks. Several commenters responding to the OCC proposal recommended that the OCC adopt the FDIC proposal in its entirety or specific provisions of the FDIC proposal that were ''less restrictive'' than the OCC proposal. These commenters advocated a single indemnification standard applicable to national banks to avoid conflicting standards.

The OCC agrees that a single set of rules governing permissible indemnification in connection with administrative proceedings or civil actions brought by Federal banking agencies should apply to national banks. One set of rules prevents confusion, reduces compliance and legal costs, and minimizes unnecessary regulatory burden. Because 12 U.S.C. 1828(k) subjects national banks to the requirements of any FDIC regulation on indemnification, FDIC standards would supersede less restrictive separate OCC standards. Therefore, the OCC has changed the part 7 ruling on indemnification to clarify that a national bank may make or agree to make indemnification payments to an institution-affiliated party with respect to an administrative proceeding or civil action initiated by any Federal banking agency, that are reasonable and consistent with the requirements of 12 U.S.C. 1828(k) and any implementing regulations thereunder.

The FDIC proposal does not address indemnification in circumstances involving an administrative proceeding or civil action not initiated by a Federal banking agency. The former ruling, § 7.5217, provided generally that indemnification articles that substantially reflect general standards of law of the state in which the bank is headquartered, the law of the state in which the bank's holding company is incorporated, or the relevant provisions of the MBCA, were presumed by the OCC to be within the corporate powers of a national bank. The OCC has changed the proposal to provide further flexibility and to maintain consistency with the revised corporate governance procedures in § 7.2000. Under the final ruling, with respect to an administrative proceeding or civil action not initiated by a Federal banking agency, a national bank may indemnify an institution-affiliated party for damages and expenses, including the advancement of expenses and legal fees, in accordance with the law of the state in which the main office of the bank is located, the law of the state in which the bank's holding company is incorporated, or the relevant provisions of the MBCA or Delaware General Corporate Law. In all cases, indemnification payments should be consistent with the safety and soundness of the bank involved. The final ruling also requires the bank to designate in its bylaws the body of law it has selected to govern its indemnification procedures. The final ruling no longer requires banks to include the indemnification provisions in its articles of association.

Cashier (Section 7.2015)

The proposal changed former § 7.5245 to clarify that the cashier's duties may be delegated to the president, chief executive officer, or other officer. One commenter recommended that the OCC change references to the board of directors to a ''duly designated officer.'' The OCC agrees with this recommendation and, consistent with the OCC's continuing effort to reduce unnecessary regulatory burden, changes the final ruling to permit a duly designated officer to assign duties previously performed by the bank's cashier.

Facsimile Signatures on Bank Stock Certificates (Section 7.2017)

The proposal revised former § 7.6010 to clarify that facsimile signatures include electronic means of signature. One commenter recommended further relief from administrative burden by deleting all references to ''seals'' and ''corporate seals'' in the corporate

[3] These sources are available upon request from the OCC Communications Division, 250 E Street, SW, Washington, DC 20219 (202) 874–4700.

governance section, including the reference proposed in § 7.2017. Although the OCC recognizes the need to reduce administrative burden, 12 U.S.C. 52 requires every national bank stock certificate to be sealed with the seal of the association. Therefore, the OCC adopts this section as proposed.

Acquisition and Holding of Shares as Treasury Stock (Section 7.2020)

The proposal added a new section to address a national bank's acquisition and holding of shares as treasury stock. The proposal explained that pursuant to the authority and procedures of 12 U.S.C. 59, a national bank may acquire its outstanding shares and hold them for a reasonable period as treasury stock, as long as the acquisition and retention of the shares is for a legitimate corporate purpose. Because 12 U.S.C. 59 requires OCC approval and a two-thirds vote of shareholders for a reduction in capital, there is less risk of improper use of treasury stock. The OCC notes, however, that it would not be permissible for a national bank to acquire and hold treasury stock for speculation or as a means of bypassing some requirement or obligation under the Federal banking laws. Accordingly, the final ruling adds language providing that it would not be permissible for a national bank to acquire or hold treasury stock for speculation.

One commenter expressed concern that the term ''reasonable period'' is too ambiguous. The commenter contended that as long as the bank complies with 12 U.S.C. 59 regarding the repurchase of outstanding shares, there is no reason that a national bank may not hold treasury stock for as long as the bank sees fit. The OCC agrees with the commenter's suggestion. As long as the acquisition and retention of the shares fulfills a legitimate corporate need, the bank may continue to hold the shares. Therefore, the final ruling does not include the term ''reasonable period'' but clarifies that the retention of the shares must continue, on an ongoing basis, to be for a legitimate corporate purpose.

Bank Hours and Closings (Section 7.3000)

The proposal revised current § 7.7434 to provide more comprehensive guidance regarding bank hours and closings. Proposed § 7.3000(a) maintained the general requirement that a national bank's board of directors is responsible for establishing a schedule of business hours independently of other banks.

Proposed § 7.3000(b) informed national banks that the Comptroller of the Currency (Comptroller), a state or a legally authorized state official may declare a day to be a legal holiday for emergency reasons. Proposed § 7.3000(b) also set forth examples to clarify circumstances under which a national bank may remain closed.

Proposed § 7.3000(c) also provided that a state or a legally authorized state official may declare a day a legal holiday for ceremonial reasons, and that a national bank may choose to remain open or closed on these holidays.

Finally, proposed § 7.3000(d) reminded national banks to look to applicable law to determine if they may incur liability for closing.

Several commenters requested the OCC to broaden the authority to close a bank or its branch offices. For example, one commenter suggested including provisions allowing a bank office to close if a snow emergency is declared by local authorities. Another commenter suggested following provisions in New York law that permit bank officers to independently protect their institutions by closing offices under certain conditions, provided at least one office remains open.

Twelve U.S.C. 95 clearly authorizes only the Comptroller, a state, or a state official to designate a day as a legal holiday for emergency reasons. Nonetheless, the OCC recognizes the practical concerns raised by the commenters. The ruling attempts to delineate certain emergency conditions under which the Comptroller will act to authorize the closing of bank offices. The OCC does not intend for 12 U.S.C. 95 or the ruling to preclude a bank from asserting defenses, such as impossibility of performance, if compelled to close due to circumstances beyond the bank's control.

Sharing Space and Employees (Section 7.3001)

The proposal revised former § 7.7516 to incorporate current OCC positions on sharing space and employees. Among other things, the proposal clarified that banks may lease excess space in bank premises or share space with businesses other than banks and other financial institutions. The proposal also clarified the OCC's position on a national bank sharing employees with businesses with which it shares space. Finally, the proposal summarized the supervisory conditions that a bank should address in these arrangements, and proposed § 7.3001(d) identified legal issues a bank should consider when entering into these arrangements. The proposal requested commenters to address whether the listed items are appropriate and if the OCC should identify other considerations in lieu of, or in addition to, those described in the proposal.

The OCC received 13 comments addressing this section. Several commenters requested the OCC to clarify whether there are any limitations on the type of business with which the bank may lease or share space. The proposal and the final ruling make clear that a bank may lease excess space in bank premises to one or more businesses. Similarly, a bank may share space jointly held with one or more other businesses. Each of these arrangements is subject to supervisory conditions and legal requirements. However, the ruling does not impose limitations on the type of activity that the other business engages in other than that it cannot adversely affect the safety and soundness of the bank.

One commenter disagreed with the supervisory conditions in proposed § 7.3001(c) (6) and (7) that require the national bank to ensure that (1) the activities of the other business do not affect the safety and soundness of the bank, and (2) the activities of shared employees are consistent with applicable laws and regulations that pertain to agents or employees of such other businesses. This commenter asserted that this would impose inconsistent and duplicative requirements on brokerage firms and, in the case of the latter requirement, impose new obligations on national banks to monitor compliance with securities laws and other regulations by broker-dealers and dual employees of broker-dealers.

The OCC continues to believe that the importance of maintaining a safe and sound national bank system requires banks to ensure that the activities of businesses with which they share premises will not adversely affect bank safety and soundness. Therefore, the OCC retains the requirement contained in proposed § 7.3001(c)(6). However, the OCC did not intend for national banks to monitor compliance on an ongoing basis with all applicable laws affecting broker-dealers or other entities with which the bank shares space or employees. Therefore, the OCC has changed proposed § 7.3001(c)(7) to clarify that a national bank should take steps to ensure that shared employees, or the entity for which they perform services, are duly licensed or meet applicable qualification requirements for the activities in question.

One commenter sought clarification as to whether these supervisory conditions are consistent with, or in addition to, the Interagency Statement on Retail Sales of Nondeposit Investment Products (February 15, 1994)

(Statement).[4] A number of the supervisory conditions incorporate principal elements of the Statement. However, banks should consult any applicable component of the Statement as a source of guidance in structuring these arrangements.

Books and Records of National Banks (Section 7.4000)

The proposal addressed the exclusive examination authority of the OCC. The ruling clarified that under 12 U.S.C. 484, state authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to believe that the bank has failed to comply with applicable state unclaimed property and escheat laws. The comments generally supported the proposal, with two commenters recommending that the OCC clarify the second sentence of § 7.4000(b) by adding the ''filing of reports with state regulators'' to the list of prohibited state-imposed requirements. The OCC has determined that rather than adopting the specific suggested revision, the OCC will continue to consider this issue on a case-by-case basis. Therefore, the OCC adopts the final ruling substantially as proposed with minor revisions to the first sentence of § 7.4000(a).

Charging Interest at Rates Permitted Competing Institutions; Charging Interest to Corporate Borrowers (Section 7.4001)

Under 12 U.S.C. 85, a national bank may charge interest at the highest rate allowed to competing lenders by the state where the bank is located without regard to the location of the borrower. Thus, the statute permits a national bank to ''export'' to customers in other states the rate of ''interest'' allowed by the state in which the bank is located. The proposal defined the term ''interest'' in 12 U.S.C. 85 to reflect current case law. The proposed definition also reflected OCC interpretive opinions on the types of fees and charges that are included and not included in the meaning of the term. The proposal provided non-exclusive lists of specific fees that *are* ''interest'' (for example, numerical periodic rates, late fees, not sufficient funds (NSF) fees, overlimit fees, annual fees, cash advance fees, and membership fees) and that ordinarily are *not* ''interest'' (for example, appraisal fees, premiums and commissions on insurance guaranteeing repayment, finders' fees, fees for document preparation or notarization, or fees incurred to obtain credit reports).

Whether a particular fee or charge is properly characterized as ''interest'' subject to exportation has been the subject of litigation in a number of jurisdictions,[5] and the OCC received many comments from parties on both sides of the issue. On one hand, certain consumer groups and attorneys representing class action suits opposed the proposal. These groups asserted that the proposed definition is contrary to the accepted meaning of the term ''interest,'' and is contrary to consumers' interests. On the other hand, many national banks supported the proposal because it incorporates clear guidance on the OCC's position on the issue of what constitutes ''interest'' under 12 U.S.C. 85. The OCC believes that the Federal definition of ''interest'' and the components of interest in the proposal are both consistent with law and beneficial to national banks and their customers with respect to interstate lending operations.

The OCC also received comments from Arkansas trade associations and the Arkansas congressional delegation expressing concern that the proposed Federal definition of ''interest'' might be misinterpreted to require the inclusion of certain charges that are ''interest'' under the Federal definition, but not so under Arkansas law, when calculating the maximum effective yield permitted by Arkansas law. The commenters noted that, if the OCC adopts this interpretation, some loans now acceptable under Arkansas usury law could be found to be usurious. The OCC agrees that the language of the proposal is potentially confusing and might be interpreted mistakenly to affect the definition of ''interest'' in the Arkansas usury law (which, for example, permits banks to charge late fees, but does not include those fees as ''interest'' in calculating the maximum effective yield).

The definition of interest in § 7.4001 is intended to define ''interest'' for purposes of determining if a particular charge is subject to 12 U.S.C. 85. Charges that fall within the Federal definition of ''interest'' are subject to 12 U.S.C. 85 and its ''most favored lender'' and exportation rules. The fact that a charge is not labeled ''interest'' under a particular state law does not necessarily mean that it is impermissible, however.

Section 7.4001(b) clarifies that, under the ruling (and 12 U.S.C. 85), one looks to state law to determine what lending charges are permitted for the most favored lender, and thus, also for national banks under 12 U.S.C. 85. However, the Federal definition of ''interest'' generally does not affect state law definitions of ''interest'' or the manner in which state law calculates the amount of interest being charged. For example, if late fees are *not* interest under state law where the national bank is located but state law allows late fees, then a national bank located in that state may charge late fees to its intrastate customers. The national bank could also charge the fees to its interstate customers because the fees are ''interest'' under the Federal definition and an allowable charge under state law where the national bank is located. However, the late fees would not be treated as interest for purposes of evaluating compliance with state usury limitations because state law excludes late fees when calculating the maximum interest that lending institutions may charge under those limitations.

The final ruling addresses the concern raised by the Arkansas commenters regarding the effect of the Federal definition of interest on state law. The OCC has added to § 7.4001 a new paragraph (c) that includes a clarifying sentence confirming that the Federal definition of the term interest does not change a state's definition of interest (nor how the state definition of interest is used) solely for purposes of state law. Paragraph (c) of § 7.4001 also provides the example described in the immediately preceding paragraph of this preamble to illustrate this concept. The final ruling is substantially identical to the proposal, with the addition discussed above. In addition, the reference to ''Morris Plan banks'' that appeared in the last sentence of proposed § 7.4001(b) has been removed as obsolete. Finally, paragraph (c), ''Usury,'' in the proposal has been redesignated as paragraph (d) in the final ruling.

Most courts interpreting 12 U.S.C. 85 have concluded that various forms of non-percentage-based charges (including such items as late payment,

[4] Available upon request from the OCC Communications Division, 250 E Street, SW, Washington, DC 20219, (202) 874–4700.

[5] *See, e.g., Smiley v. Citibank (South Dakota), N.A.*, 900 P.2d 690 (Cal. 1995), *cert. granted*, 64 U.S.L.W. 3500 (U.S. Jan. 19, 1996) (No. 95–860) (holding that the term ''interest'' as used in 12 U.S.C. 85 encompasses late payment fees if such fees are allowed by a national bank's home state); *see also Greenwood Trust Co. v. Massachusetts*, 971 F.2d 818 (1st Cir. 1992), *cert. denied*, 113 S. Ct. 974 (1993) (holding that the term ''interest'' as used in section 521 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (12 U.S.C. 1831d(a)), a statute modeled on 12 U.S.C. 85, includes late payment fees; in construing the term ''interest'' in 12 U.S.C. 1831d(a), the court concluded that these parallel sections should be read *in pari materia*). *Contra Sherman v. Citibank (South Dakota), N.A.*, No. A–102–94, 1005 WL 710414 (N.J. Nov. 28, 1995), *pet. for cert. filed*, 64 U.S.L.W. 3439 (U.S. Dec. 21, 1995) (No. 95–991) (holding that the term ''interest'' as used in 12 U.S.C. 85 does not include late payment fees).

overlimit, and annual fees) for the use of borrowed money fall within the scope of 12 U.S.C. 85. The final ruling is consistent with OCC interpretive letters in this area (*see, e.g.,* OCC Interpretive Letter No. 670 (Feb. 17, 1995), *reprinted in* [1994–1995 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 83,618, and the letters cited therein) and reflects the position the OCC has taken in *amicus curiae* briefs in litigation pending in many state and Federal courts (*see, e.g.,* OCC brief filed in the Supreme Court of Pennsylvania in *Bank One, Columbus, N.A. v. Mazaika,* Nos. 1995–31 and 1995–33 (July 17, 1995) (urging reversal of *Mazaika v. Bank One, Columbus, N.A.,* 653 A.2d 648 (Pa. Super. Ct. 1994) (*en banc*), *appeal granted,* 659 A.2d 557 (Pa. 1995)).

Recently, the California Supreme Court upheld the ability of a national bank to charge certain fees as a component of ''interest'' and cited the OCC's recent interpretive opinions, as well as proposed § 7.4001, as consistent with the court's reasoning. *Smiley v. Citibank (South Dakota), N.A.,* 900 P.2d 690 (Cal. 1995), *cert. granted,* 64 U.S.L.W. 3500 (U.S. Jan. 19, 1996) (No. 95–860) (holding that the term ''interest'' as used in 12 U.S.C. 85 encompasses late payment fees, if such fees are allowed by a national bank's home state). *See also Copeland v. MBNA America Bank, N.A.,* 907 P.2d 87 (Colo. 1995) (*en banc*), *pet. for cert. filed,* 64 U.S.L.W. 3469 (U.S. Dec. 28, 1995) (No. 95–1056); *Richardson v. Citibank (South Dakota), N.A.,* No. 94SC670, 1995 Colo. LEXIS 767 (Colo. Dec. 18, 1995) (*en banc*); *Spellman v. Meridian Bank (Delaware),* Nos. 94–3203–3204, 94–3215–3218, 1995 U.S. App. LEXIS 37149 (3d Cir. Dec. 29, 1995).

However, the Supreme Court of New Jersey also issued a recent decision concluding that ''interest'' as used in 12 U.S.C. 85 does not include late payment fees. *Sherman v. Citibank (South Dakota), N.A.,* No. A–102–94, 1005 WL 710414 (N.J. Nov. 28, 1995), *pet. for cert. filed,* 64 U.S.L.W. 3439 (U.S. Dec. 21, 1995) (No. 95–991). The decision of the New Jersey Supreme Court in *Sherman* conflicts with the decisions of the California Supreme Court in *Smiley,* the Colorado Supreme Court in *Copeland* and *Richardson,* and the U.S. Court of Appeals for the Third Circuit in *Spellman,* and the earlier decision of the First Circuit in *Greenwood Trust.* The U.S. Supreme Court recently granted certiorari in *Smiley* to resolve the conflict on an expedited basis.

As noted in the proposal, the ruling is not intended to be a comprehensive treatment of the issue, and other fees or charges may also be found to be components of interest.

National Bank Charges (Section 7.4002)

The proposal responded to concerns raised by Congress regarding the scope of Federal preemption reflected in the former version of this ruling. The conference report to the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, H.R. Conf. Rep. No. 651, 103rd Cong., 2d Sess. 54 (1994), urged the OCC to review former § 7.8000 to determine if it should be withdrawn or revised. The conferees expressed the view that the OCC had applied preemption principles in an overly broad manner with respect to state laws that prohibit, limit, or restrict deposit account service charges imposed by a national bank. In addition, the conference report cited *Perdue v. Crocker Nat'l Bank,* 702 P.2d 503 (Cal. 1985), *cert. dismissed,* 475 U.S. 1100 (1986), which held that § 7.8000 is not a valid finding of Federal preemption, in part, because Congress had not established a comprehensive Federal statutory scheme governing the taking of deposits.

The proposal revised the ruling to state that the OCC will consider on a case-by-case basis whether a national bank may establish a particular charge or fee that is in conflict with a state law, and that, in issuing an opinion on whether a particular state law is preempted, the OCC will employ the preemption principles derived from the Supremacy Clause of the United States Constitution and judicial precedent.

The OCC received 26 comments on proposed § 7.4002. Ten commenters expressed dissatisfaction with the OCC's proposal to evaluate state laws on a case-by-case basis. Seven of these commenters, mostly large banks, specifically urged the OCC to either retain § 7.8000 or otherwise generally preempt state law limitations or prohibitions on fees and charges. These commenters stated that the conference report, alone, without clear legislative action, does not invalidate § 7.8000's general preemption. After careful review of the comments, the OCC has determined to adopt § 7.4002 substantially in the form proposed, with certain revisions discussed below.

Ten commenters also expressed concern over the OCC's statement in the proposal that a national bank may charge customers ''reasonable'' charges and fees on dormant accounts, for credit reports or investigations (§ 7.4002(a)), and for deposit account service charges and loan-related fees generally (§ 7.4002(b)). These commenters asserted that inclusion of the term ''reasonable'' in connection with those areas adds uncertainty to their meaning and will provide a basis for litigation over whether charges and fees are ''unreasonable'' and, therefore, impermissible under § 7.4002.

The OCC notes that previous interpretive rulings on service charges on dormant accounts and fees for credit reports or investigations contained a ''reasonable'' standard. Therefore, for those fees and charges, the final ruling continues this standard. However, the OCC also recognizes the commenters' concerns. The final ruling clarifies, in § 7.4002(b), the intent of the proposal that banks have discretion in setting the amount of charges and fees, and that any charge or fee is ''reasonably'' established if the bank considered the factors enumerated in the final ruling.

Some commenters also asserted that, if the references to ''loan-related fees'' are included in the final ruling, the OCC should clarify that these fees do not include fees that are components of ''interest'' under § 7.4001. The OCC agrees with this comment. Therefore, the final ruling omits the phrase ''loan-related fees'' wherever it appears and instead refers to ''non-interest charges and fees'' and includes deposit account service charges within non-interest charges and fees. For additional clarity, the final ruling adds a new paragraph (c), ''Interest,'' that provides that charges and fees that are ''interest'' within the meaning of 12 U.S.C. 85 are governed by § 7.4001 and not by § 7.4002. Proposed § 7.4002(c) and (d), ''State law'' and ''National bank as fiduciary,'' respectively, have been redesignated as paragraphs (d) and (e), respectively, in the final ruling.

The OCC also notes that the proposal's listing of the standards for consideration in setting charges and fees inadvertently omitted the factor appearing in former § 7.8000(b)(2) on the deterrence of misuse by customers of banking services. The final ruling incorporates this factor.

State Licensing of National Banks

The proposal invited public comment on whether the OCC should propose a specific ruling addressing the applicability of state licensing requirements to national banks. The proposal did not contain any specific language for an interpretive ruling but noted in the preamble the OCC's longstanding position that the authority of a national bank to exercise powers authorized for national banks under Federal law cannot be negated by state licensing requirements. The proposal also restated the principal elements of

Federal preemption analysis as articulated by the courts.

The OCC received 41 comments addressing this issue. Approximately half of the commenters opposed issuing a ruling that they assumed would attempt to preempt state licensing practices. These commenters cited the OCC's lack of authority to issue a ruling, current litigation and legislation on this matter, and arguments that states are better placed to protect consumer interests. Commenters supporting a ruling noted that it would promote competition by removing disparate treatment of national banks located in different states. Due to the variety of state laws that could be implicated and the complexity of the issues presented, the OCC has decided not to address this area generically at this time.

Other Sections Adopted in the Final Rule

The proposal contained a number of rulings that were not substantively changed from the former rule. The OCC received some comments addressing various aspects of these rulings. The OCC has reviewed these comments and has decided not to make any changes to most of these sections.

In addition, there are a number of rulings for which the OCC proposed changes but did not receive any substantive comments. These rulings also are adopted in the final rule as proposed or with nonsubstantive stylistic edits.

The following is a list of these rulings:

Section 7.1001—National bank acting as general insurance agent;
Section 7.1007—Acceptances;
Section 7.1008—Preparing income tax returns for customers or public;
Section 7.1009—National bank holding collateral stock as nominee;
Section 7.1012—Messenger service;
Section 7.1014—Sale of money orders at nonbanking outlets;
Section 7.1015—Receipt of stock from a small business investment company;
Section 7.1018—Automatic payment plan account;
Section 7.2002—Director or attorney as proxy;
Section 7.2003—Annual meeting for election of directors;
Section 7.2006—Cumulative voting in election of directors;
Section 7.2009—Quorum of the board of directors; proxies not permissible;
Section 7.2012—President as director; chief executive officer;
Section 7.2013—Fidelity bonds covering officers and employees;
Section 7.2016—Restricting transfer of stock and record dates;
Section 7.2018—Lost stock certificates;
Section 7.2019—Loans secured by a bank's own shares;
Section 7.2021—Preemptive rights; and
Section 7.2022—Voting trusts.

Sections Removed From Part 7

The OCC also proposed to remove the following former rulings as generally unnecessary, outdated or repetitive: §§ 7.3000, 7.4005, 7.4015, 7.4100, 7.4200, 7.4205, 7.4400, 7.4410, 7.7000, 7.7015, 7.7400, 7.7405, 7.7410, 7.7415, 7.7505, 7.7519, and 7.7590. The OCC received no comment on these sections, and the final rule removes them. The OCC has also removed § 7.7355 (regarding debts of affiliates) as it is no longer necessary.

The following sections are also removed from part 7 or transferred to 12 CFR part 31 for the reasons stated. This list and the list in the immediately preceding paragraph do not describe sections that were incorporated into other sections in part 7.

Section 7.1100—Capital and surplus. This section is no longer needed.

Section 7.4010—Quorum for shareholders' meeting. This section merely indicates that the statutes are silent with respect to the number of shareholders required for a quorum. Therefore, this section is superseded by the new § 7.2000.

Section 7.5210—Same person holding offices of president and cashier. There is no legal impediment to one person serving as both president and cashier. Further, § 7.2015, discusses the assignment of the cashier's duties and clarifies that the duties of cashier may be delegated to the president, chief executive officer, or other officer.

Section 7.5220—Contracts of employment. Any employment contract that is excessive or unreasonable is unsafe and unsound. Therefore, the current ''reasonable'' standard is necessarily in effect, so it is unnecessary to reiterate the standard in this interpretive ruling. Moreover, section 132 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA) (12 U.S.C. 1831p–1), (regarding safety and soundness standards), and regulations issued by the OCC and other agencies under section 132 deal with excessive or unreasonable contracts. *See* 12 U.S.C. 1831p–1 (c) and (d); 12 CFR part 30.

Section 7.7012—Foreign operations. This section has been removed and is expected to be incorporated into pending revisions to part 28. The removal of this section is not intended to imply any change in a national bank's authority in this area.

Section 7.7115—Insuring lives of bank officers. OCC Banking Circular 249 covers the relevant issues in more detail and is currently undergoing review and revision. Therefore, § 7.7115 is removed as unnecessary.

Sections 7.7360—Loans secured by stock or obligation of an affiliate, 7.7365—Federal funds transactions between affiliates, and 7.7370—Deposits between affiliated banks. These sections have been transferred with some stylistic changes to 12 CFR 31.100, 31.101, and 31.102.

Sections 7.7378—Issuance of credit cards, 7.7379—Servicing of mortgage and other loans as agent. The ability of national banks to engage in these activities is well established and a specific interpretive ruling is not needed.

Section 7.7530—Issuance of promissory notes. This section is removed because it merely restates 12 U.S.C. 24 (Seventh).

Section 7.7540—Reports of condition: Waiver of affiliate reports. Section 308 of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103–325, 108 Stat. 2160 (Sept. 23, 1994), eliminated the requirement that national banks and their affiliates periodically publish the reports of condition in a newspaper. See 12 U.S.C. 161.

The removal or transfer of these sections does not imply any alteration of the underlying authority for national bank activity. The interpretive rulings the OCC proposes to remove or transfer are grounded in statutory authority that remains unchanged.

Other Sections

Finally, the OCC had proposed to move a number of sections to other parts of title 12. These sections included § 7.6040—Fractional shares, 7.7570—Separate investment security limitations, and 7.6120—Dividends payable in property other than cash. These sections have been retained, with some minor stylistic changes, pending the issuance of final rules for 12 CFR parts 1 and 5.

Distribution Table

The distribution table indicates where, if applicable, each section of the former part 7 will appear in the final part 7 or elsewhere.

Original provision	Revised provision	Comment
§ 7.1100	.....	Removed.
§ 7.1105	§ 7.1020 .	Modified.
§ 7.3000	§ 7.1000 .	Unchanged.
§ 7.3005	§ 7.1000 .	Significant change.
§ 7.3010	§ 7.1000 .	Significant change.
§ 7.3100	§ 7.1000 .	Significant change.
§ 7.3300	§ 7.1000 .	Significant change.
§ 7.3500	§ 7.1019 .	Significant change.
§ 7.4000	§ 7.2001 .	Significant change.

Original provision	Revised provision	Comment
§ 7.4005	.....	Removed.
§ 7.4010	.....	Removed.
§ 7.4015	.....	Removed.
§ 7.4020	§ 7.2002 .	Modified.
§ 7.4100	.....	Removed.
§ 7.4105	§ 7.2003 .	Significant change.
§ 7.4110	§ 7.2004 .	Modified.
§ 7.4200	.....	Removed.
§ 7.4205	.....	Removed.
§ 7.4210	§ 7.2005 .	Significant change.
§ 7.4300	§ 7.2006 .	Significant change.
§ 7.4305	§ 7.2007 .	Significant change.
§ 7.4400	.....	Removed.
§ 7.4410	.....	Removed.
§ 7.4415	§ 7.2008 .	Modified.
§ 7.4420	§ 7.2009 .	Unchanged.
§ 7.4425	§ 7.2010 .	Significant change.
§ 7.5000	§ 7.2011 .	Significant change.
§ 7.5010	§ 7.2011 .	Significant change.
§ 7.5015	§ 7.2011 .	Significant change.
§ 7.5200	§ 7.2012 .	Modified.
§ 7.5210	.....	Removed.
§ 7.5215	§ 7.2013 .	Unchanged.
§ 7.5217	§ 7.2014 .	Significant change.
§ 7.5220	.....	Removed.
§ 7.5230	§ 7.1000 .	Significant change.
§ 7.5245	§ 7.2015 .	Significant change.
§ 7.6005	§ 7.2016 .	Modified.
§ 7.6010	§ 7.2017 .	Significant change.
§ 7.6015	§ 7.2018 .	Unchanged.
§ 7.6025	§ 7.4000 .	Significant change.
§ 7.6030	§ 7.2019 .	Modified.
§ 7.6040	§ 7.2023 .	Modified.
§ 7.6050	§ 7.2021 .	Modified.
§ 7.6060	§ 7.2022 .	Significant change.
§ 7.6120	§ 7.2024 .	Modified.
§ 7.7000	.....	Removed.
§ 7.7010	§ 7.1017 .	Significant change.
§ 7.7012	.....	Removed.
§ 7.7015	.....	Removed.
§ 7.7016	§ 7.1016 .	Significant change.
§ 7.7100	§ 7.1001 .	Unchanged.
§ 7.7115	.....	Removed.
§ 7.7200	§ 7.1002 .	Significant change.
§ 7.7310	§ 7.4001 .	Significant change.
§ 7.7312	§ 7.1006 .	Significant change.
§ 7.7315	§ 7.4002 .	Significant change.
§ 7.7355	.....	Removed.
§ 7.7360	.....	Moved (part 31).
§ 7.7365	.....	Moved (part 31).
§ 7.7370	.....	Moved (part 31).
§ 7.7378	.....	Removed.
§ 7.7379	.....	Removed.
§ 7.7380	§ 7.1004 .	Unchanged.
§ 7.7400	.....	Removed.
§ 7.7405	.....	Removed.
§ 7.7410	.....	Removed.
§ 7.7415	.....	Removed.
§ 7.7420	§ 7.1007 .	Unchanged.
§ 7.7430	§ 7.1008 .	Unchanged.
§ 7.7434	§ 7.3000 .	Significant change.
§ 7.7455	§ 7.1009 .	Unchanged.
§ 7.7482	§ 7.1010 .	Modified.
§ 7.7485	§ 7.1011 .	Modified.
§ 7.7490	§ 7.1012 .	Modified.
§ 7.7495	§ 7.1013 .	Significant change.
§ 7.7500	§ 7.1014 .	Modified.
§ 7.7505	.....	Removed.
§ 7.7515	§ 7.4002 .	Significant change.
§ 7.7516	§ 7.3001 .	Significant change.
§ 7.7519	.....	Removed.
§ 7.7530	.....	Removed.
§ 7.7535	§ 7.1015 .	Unchanged.
§ 7.7540	.....	Removed.
§ 7.7560	§ 7.1018 .	Modified.
§ 7.7570	§ 7.1021 .	Unchanged.
§ 7.7590	.....	Removed.
§ 7.8000	§ 7.4002 .	Significant change.

Derivation Table

This derivation table illustrates which former sections of part 7 the final sections are based upon.

Revised provision	Original provision	Comment
	§ 7.1100 ..	Removed.
§ 7.1000 .	§§ 7.3000, 7.3005, 7.3010, 7.3100, 7.3300, 7.5230.	Significant change.
§ 7.1001 .	§ 7.7100 ..	Unchanged.
§ 7.1002 .	§ 7.7200 ..	Significant change.
§ 7.1003 .	.....	Added.
§ 7.1004 .	§ 7.7380 ..	Unchanged.
§ 7.1005 .	.....	Added.
§ 7.1006 .	§ 7.7312 ..	Significant change.
	§ 7.7405 ..	Removed.
	§ 7.7410 ..	Removed.
	§ 7.7415 ..	Removed.
§ 7.1007 .	§ 7.7420 ..	Unchanged.
§ 7.1008 .	§ 7.7430 ..	Unchanged.
§ 7.1009 .	§ 7.7455 ..	Unchanged.
§ 7.1010 .	§ 7.7482 ..	Modified.
§ 7.1011 .	§ 7.7485 ..	Modified.
§ 7.1012 .	§ 7.7490 ..	Modified.
§ 7.1013 .	§ 7.7495 ..	Significant change.
§ 7.1014 .	§ 7.7500 ..	Modified.
	§ 7.7530 ..	Removed.
§ 7.1015 .	§ 7.7535 ..	Unchanged.
§ 7.1016 .	§ 7.7016 ..	Significant change.
§ 7.1017 .	§ 7.7010 ..	Significant change.
§ 7.1018 .	§ 7.7560 ..	Unchanged.
§ 7.1019 .	§ 7.3500 ..	Significant change.
§ 7.1020 .	§ 7.1105 ..	Modified.
§ 7.1021 .	§ 7.7570 ..	Unchanged.
§ 7.2000 .	.....	Added.
§ 7.2001 .	§ 7.4000 ..	Significant change.
	§ 7.4005 ..	Removed.
	§ 7.4010 ..	Removed.
	§ 7.4015 ..	Removed.
§ 7.2002 .	§ 7.4020 ..	Modified.
	§ 7.4100 ..	Removed.
§ 7.2003 .	§ 7.4105 ..	Significant change.
§ 7.2004 .	§ 7.4110 ..	Modified.
	§ 7.4200 ..	Removed.
	§ 7.4205 ..	Removed.
§ 7.2005 .	§ 7.4210 ..	Significant change.
§ 7.2006 .	§ 7.4300 ..	Significant change.
§ 7.2007 .	§ 7.4305 ..	Significant change.
	§ 7.4400 ..	Removed.
	§ 7.4410 ..	Removed.
§ 7.2008 .	§ 7.4415 ..	Modified.
§ 7.2009 .	§ 7.4420 ..	Unchanged.
§ 7.2010 .	§ 7.4425 ..	Significant change.
§ 7.2011 .	§§ 7.5000, 7.5010, 7.5015.	Significant change.
§ 7.2012 .	§ 7.5200 ..	Modified.
	§ 7.5210 ..	Removed.
§ 7.2013 .	§ 7.5215 ..	Unchanged.
§ 7.2014 .	§ 7.5217 ..	Significant change.
	§ 7.5220 ..	Removed.
§ 7.2015 .	§ 7.5245 ..	Significant change.
§ 7.2016 .	§ 7.6005 ..	Modified.
§ 7.2017 .	§ 7.6010 ..	Significant change.
§ 7.2018 .	§ 7.6015 ..	Unchanged.
§ 7.2019 .	§ 7.6030 ..	Modified.
§ 7.2020 .	.....	Added.
§ 7.2021 .	§ 7.6050 ..	Modified.
§ 7.2022 .	§ 7.6060 ..	Significant change.
§ 7.2023 .	§ 7.6040 ..	Modified.
§ 7.2024 .	§ 7.6120 ..	Unchanged.
	§ 7.7000 ..	Removed.
	§ 7.7012 ..	Removed.
	§ 7.7015 ..	Removed.
	§ 7.7115 ..	Removed.
	§ 7.7355 ..	Removed.
	§ 7.7360 ..	Moved (part 31).
	§ 7.7365 ..	Moved (part 31).
	§ 7.7370 ..	Moved (part 31).
	§ 7.7378 ..	Removed.
	§ 7.7379 ..	Removed.
	§ 7.7400 ..	Removed.
§ 7.3000 .	§ 7.7434 ..	Significant change.
	§ 7.7505 ..	Removed.
§ 7.3001 .	§ 7.7516 ..	Significant change.
	§ 7.7519 ..	Removed.
	§ 7.7540 ..	Removed.
	§ 7.7590 ..	Removed.
§ 7.4000 .	§ 7.6025 ..	Significant change.
§ 7.4001 .	§ 7.7310 ..	Significant change.
§ 7.4002 .	§§ 7.7315, 7.7515, 7.8000.	Significant change.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This regulation will reduce the regulatory burden on national banks, regardless of size, by simplifying and clarifying existing regulatory requirements.

Executive Order 12866

The OCC has determined that the final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4, 109 Stat. 48 (March 22, 1995) (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may 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. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before

promulgating a rule. Because the OCC has determined that the final rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of more than $100 million in any one year, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered. Nevertheless, as discussed in the preamble, the final rule has the effect of reducing burden.

Paperwork Reduction Act of 1995

The collection of information requirements contained in this final rule have received approval from the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), under OMB control number (1557–0204). Comments on the collection of information should be sent to the Office of Management and Budget, Paperwork Reduction Project 1557–0204, Washington, DC 20503, with copies to the Legislative and Regulatory Activities Division 1557–0204, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219. The OCC will submit the collection of information requirements contained in this final rule for renewal of OMB approval following publication of this final rule.

The collection of information requirements in this rule are found in 12 CFR 7.1000(d)(1), 7.1014, 7.2000(b), 7.2004, and 7.2014(b). The collections of information are necessary for regulatory and examination purposes, for national banks to ensure their compliance with Federal law and regulations, and to evidence bank compliance with various regulatory requirements. National banks use the information to ensure their compliance with applicable Federal banking law and regulations. This information assists bank management in its safe and sound operation of the bank. The OCC uses the information in the scheduling and conduct of bank examinations and as an audit tool to verify bank compliance with law and regulations.

Respondents are not required to respond to the foregoing collection of information unless it displays a currently valid OMB control number. The likely respondents are national banks.

Estimated average annual burden hours per recordkeeper: 1.7.

Estimated number of recordkeepers: 2,430.

Estimated total annual recordkeeping burden: 4,156.

Start-up costs to respondents: None.

List of Subjects

12 CFR Part 7

Credit, Insurance, Investments, National banks, Reporting and recordkeeping requirements, Securities, Surety bonds.

12 CFR Part 31

Credit, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, chapter I of title 12 of the Code of Federal Regulations, is amended as follows:

1. Part 7 is revised to read as follows:

PART 7—INTERPRETIVE RULINGS

Subpart A—Bank Powers

Sec.

7.1000 National bank ownership of property.
7.1001 National bank acting as general insurance agent.
7.1002 National bank acting as finder.
7.1003 Money lent at banking offices or at other than banking offices.
7.1004 Loans originating at other than banking offices.
7.1005 Credit decisions at other than banking offices.
7.1006 Loan agreement providing for a share in profits, income, or earnings or for stock warrants.
7.1007 Acceptances.
7.1008 Preparing income tax returns for customers or public.
7.1009 National bank holding collateral stock as nominee.
7.1010 Postal service by national bank.
7.1011 National bank acting as payroll issuer.
7.1012 Messenger service.
7.1013 Debt cancellation contracts.
7.1014 Sale of money orders at nonbanking outlets.
7.1015 Receipt of stock from a small business investment company.
7.1016 Independent undertakings to pay against documents.
7.1017 National bank as guarantor or surety on indemnity bond.
7.1018 Automatic payment plan account.
7.1019 Furnishing of products and services by electronic means and facilities.
7.1020 Purchase of open accounts.
7.1021 Separate investment security limitations.

Subpart B—Corporate Practices

7.2000 Corporate governance procedures.
7.2001 Notice of shareholders' meetings.
7.2002 Director or attorney as proxy.
7.2003 Annual meeting for election of directors.
7.2004 Honorary directors or advisory boards.
7.2005 Ownership of stock necessary to qualify as director.
7.2006 Cumulative voting in election of directors.
7.2007 Filling vacancies and increasing board of directors other than by shareholder action.
7.2008 Oath of directors.
7.2009 Quorum of the board of directors; proxies not permissible.
7.2010 Directors' responsibilities.
7.2011 Compensation plans.
7.2012 President as director; chief executive officer.
7.2013 Fidelity bonds covering officers and employees.
7.2014 Indemnification of institution-affiliated parties.
7.2015 Cashier.
7.2016 Restricting transfer of stock and record dates.
7.2017 Facsimile signatures on bank stock certificates.
7.2018 Lost stock certificates.
7.2019 Loans secured by a bank's own shares.
7.2020 Acquisition and holding of shares as treasury stock.
7.2021 Preemptive rights.
7.2022 Voting trusts.
7.7023 Fractional shares.
7.2024 Dividends payable in property other than cash.

Subpart C—Bank Operations

7.3000 Bank hours and closings.
7.3001 Sharing space and employees.

Subpart D—Preemption

7.4000 Books and records of national banks.
7.4001 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.
7.4002 National bank charges.

Authority: 12 U.S.C. 1 *et seq.* and 93a.

Subpart A—Bank Powers

§ 7.1000 National bank ownership of property.

(a) *Investment in real estate necessary for the transaction of business*—(1) *General.* Under 12 U.S.C. 29(First), a national bank may invest in real estate that is necessary for the transaction of its business.

(2) *Type of real estate.* For purposes of 12 U.S.C. 29(First), this real estate includes:

(i) Premises that are owned or occupied (or to be occupied, if under construction) by the bank, its branches, or its consolidated subsidiaries;

(ii) Real estate acquired and intended, in good faith, for use in future expansion;

(iii) Parking facilities that are used by customers or employees of the bank, its branches, and its consolidated subsidiaries;

(iv) Residential property for the use of bank officers or employees who are:

(A) Located in remote areas where suitable housing at a reasonable price is not readily available; or

(B) Temporarily assigned to a foreign country, including foreign nationals

temporarily assigned to the United States; and

(v) Property for the use of bank officers, employees, or customers, or for the temporary lodging of such persons in areas where suitable commercial lodging is not readily available, provided that the purchase and operation of the property qualifies as a deductible business expense for Federal tax purposes.

(3) *Permissible means of holding.* A national bank may acquire and hold real estate under this paragraph (a) by any reasonable and prudent means, including ownership in fee, a leasehold estate, or in an interest in a cooperative. The bank may hold this real estate directly or through one or more subsidiaries. The bank may organize a bank premises subsidiary as a corporation, partnership, or similar entity (*e.g.*, a limited liability company).

(b) *Fixed assets.* A national bank may own fixed assets necessary for the transaction of its business, such as fixtures, furniture, and data processing equipment.

(c) *Investment in bank premises*—(1) *Investment limitation; approval.* 12 U.S.C. 371d governs when OCC approval is required for national bank investment in bank premises.

(2) *Option to purchase.* An unexercised option to purchase bank premises or stock in a corporation holding bank premises is not an investment in bank premises. A national bank must receive OCC approval to exercise the option if the price of the option and the bank's other investments in bank premises exceed the amount of the bank's capital stock.

(d) *Other real property*—(1) *Lease financing of public facilities.* A national bank may purchase or construct a municipal building, school building, or other similar public facility and, as holder of legal title, lease the facility to a municipality or other public authority having resources sufficient to make all rental payments as they become due. The lease agreement must provide that the lessee will become the owner of the building or facility upon the expiration of the lease.

(2) *Purchase of employee's residence.* To facilitate the efficient use of bank personnel, a national bank may purchase the residence of an employee who has been transferred to another area in order to spare the employee a loss in the prevailing real estate market. The bank must arrange for early divestment of title to such property.

§ 7.1001 National bank acting as general insurance agent.

Pursuant to 12 U.S.C. 92, a national bank may act as an agent for any fire, life, or other insurance company in any place the population of which does not exceed 5,000 inhabitants. This provision is applicable to any office of a national bank when the office is located in a community having a population of less than 5,000, even though the principal office of such bank is located in a community whose population exceeds 5,000.

§ 7.1002 National bank acting as finder.

(a) *General.* A national bank may act as a finder in bringing together a buyer and seller.

(b) *Qualification.* Acting as a finder includes, without limitation, identifying potential parties, making inquiries as to interest, introducing or arranging meetings of interested parties, and otherwise bringing parties together for a transaction that the parties themselves negotiate and consummate. Acting as a finder does not include activities that would characterize the bank as a broker under applicable Federal law.

(c) *Advertisement and fee.* Unless otherwise prohibited, a national bank may advertise the availability of, and accept a fee for, the services provided pursuant to this section.

§ 7.1003 Money lent at banking offices or at other than banking offices.

(a) *General.* For purposes of what constitutes a branch within the meaning of 12 U.S.C. 36(j) and 12 CFR 5.30, ''money'' is deemed to be ''lent'' only at the place, if any, where the borrower in-person receives loan proceeds directly from bank funds:

(1) From the lending bank or its operating subsidiary; or

(2) At a facility that is established by the lending bank or its operating subsidiary.

(b) *Receipt of bank funds representing loan proceeds.* Loan proceeds directly from bank funds may be received by a borrower in person at a place that is not the bank's main office and is not licensed as a branch without violating 12 U.S.C. 36, 12 U.S.C. 81 and 12 CFR 5.30, provided that a third party is used to deliver the funds and the place is not established by the lending bank or its operating subsidiary. A third party includes a person who satisfies the requirements of § 7.1012(c)(2), or one who customarily delivers loan proceeds directly from bank funds under accepted industry practice, such as an attorney or escrow agent at a real estate closing.

§ 7.1004 Loans originating at other than banking offices.

(a) *General.* A national bank may use the services of, and compensate persons not employed by, the bank for originating loans.

(b) *Approval.* An employee or agent of a national bank or of its operating subsidiary may originate a loan at a site other than the main office or a branch office of the bank. This action does not violate 12 U.S.C. 36 and 12 U.S.C. 81 if the loan is approved and made at the main office or a branch office of the bank or at an office of the operating subsidiary located on the premises of, or contiguous to, the main office or branch office of the bank.

§ 7.1005 Credit decisions at other than banking offices.

A national bank and its operating subsidiary may make a credit decision regarding a loan application at a site other than the main office or a branch office of the bank without violating 12 U.S.C. 36 and 12 U.S.C. 81, provided that ''money'' is not deemed to be ''lent' at those other sites within the meaning of § 7.1003.

§ 7.1006 Loan agreement providing for a share in profits, income, or earnings or for stock warrants.

A national bank may take as consideration for a loan a share in the profit, income, or earnings from a business enterprise of a borrower. A national bank also may take as consideration for a loan a stock warrant issued by a business enterprise of a borrower, provided that the bank does not exercise the warrant. The share or stock warrant may be taken in addition to, or in lieu of, interest. The borrower's obligation to repay principal, however, may not be conditioned upon the value of the profit, income, or earnings of the business enterprise or upon the value of the warrant received.

§ 7.1007 Acceptances.

A national bank is not limited in the character of acceptances it may make in financing credit transactions. Bankers' acceptances may be used for such purpose, since the making of acceptances is an essential part of banking authorized by 12 U.S.C. 24.

§ 7.1008 Preparing income tax returns for customers or public.

A national bank may not serve as an expert tax consultant. However, a national bank may assist its customers in preparing their tax returns, either gratuitously or for a reasonable fee.

§ 7.1009 National bank holding collateral stock as nominee.

A national bank that accepts stock as collateral for a loan may have such stock transferred to the bank's name as nominee.

§ 7.1010 Postal service by national bank.

(a) *General.* A national bank may maintain and operate a postal substation on banking premises and receive income from it. The services performed by the substation are those permitted under applicable rules of the United States Postal Service and may include meter stamping of letters and packages, and the sale of related insurance. The bank may advertise, develop, and extend the services of the substation for the purpose of attracting customers to the bank.

(b) *Postal regulations.* A national bank operating a postal substation shall do so in accordance with the rules and regulations of the United States Postal Service. The national bank shall keep the books and records of the substation separate from those of other banking operations. Under 39 U.S.C. 404 and any regulations issued pursuant thereto, the United States Postal Service may inspect the books and records of the substation.

§ 7.1011 National bank acting as payroll issuer.

A national bank may disburse to an employee of a customer payroll funds deposited with the bank by that customer. The bank may disburse those funds by direct payment to the employee, by crediting an account in the employee's name at the disbursing bank, or by forwarding funds to another institution in which an employee maintains an account.

§ 7.1012 Messenger service.

(a) *Definition.* For purposes of this section, a ''messenger service'' means any service, such as a courier service or armored car service, used by a national bank and its customers to pick up from, and deliver to, specific customers at locations such as their homes or offices, items relating to transactions between the bank and those customers.

(b) *Pick-up and delivery of items constituting nonbranching activities.* Pursuant to 12 U.S.C. 24 (Seventh), a national bank may establish and operate a messenger service, or use, with its customers, a third party messenger service. The bank may use the messenger service to transport items relevant to the bank's transactions with its customers without regard to the branching limitations set forth in 12 U.S.C. 36, provided the service does not engage in branching functions within the meaning of 12 U.S.C. 36(j). In establishing or using such a facility, the national bank may establish terms, conditions, and limitations consistent with this section and appropriate to assure compliance with safe and sound banking practices.

(c) *Pick-up and delivery of items constituting branching functions by a messenger service established by a third party.* (1) Pursuant to 12 U.S.C. 24 (Seventh), a national bank and its customers may use a messenger service to pick up from, and deliver to, customers items that relate to branching functions within the meaning of 12 U.S.C. 36(j) without regard to the branching limitations set forth in 12 U.S.C. 36, provided the messenger service is established and operated by a third party. In using such a facility, a national bank may establish terms, conditions, and limitations, consistent with this section and appropriate to assure compliance with safe and sound banking practices.

(2) The OCC reviews whether a messenger service is established by a third party on a case-by-case basis, considering all of the circumstances. However, a messenger service is clearly established by a third party if:

(i) A party other than the national bank owns the service and its facilities (or rents them from a party other than the bank) and employs the person engaged in the provision of the service; and

(ii) The messenger service:

(A) Makes its services available to the public, including other depository institutions;

(B) Retains ultimate discretion to determine which customers and geographical areas it will serve;

(C) Maintains ultimate responsibility for scheduling, movement, and routing;

(D) Does not operate under the name of the bank, and the bank and the messenger service do not advertise, or otherwise represent, that the bank itself is providing the service, although the bank may advertise that its customers may use one or more third party messenger services to transact business with the bank;

(E) Assumes responsibility for the items during transit and for maintaining adequate insurance covering thefts, employee fidelity, and other in-transit losses; and

(F) Acts as the agent for the customer when the items are in transit. The bank does not deem items intended for deposit to be deposited until credited to the customer's account at an established bank office or other permissible nonbranch facility. The bank deems items representing withdrawals to be paid when the items are given to the messenger service.

(3) A national bank may defray all or part of the costs incurred by a customer in transporting items through a messenger service. Payment of those costs may only cover expenses associated with each transaction involving the customer and the messenger service. The national bank may impose terms, conditions, and limitations that it deems appropriate with respect to the payment of such costs.

(d) *Pickup and delivery of items pertaining to branching activities where the messenger service is established by the national bank.* A national bank may establish and operate a messenger service to transport items relevant to the bank's transactions with its customers if such transactions constitute one or more branching functions within the meaning of 12 U.S.C. 36(j), provided the bank receives approval to establish a branch pursuant to 12 CFR 5.30.

§ 7.1013 Debt cancellation contracts.

A national bank may enter into a contract to provide for loss arising from cancellation of an outstanding loan upon the death or disability of a borrower. The imposition of an additional charge and the establishment of necessary reserves in order to enable the bank to enter into such debt cancellation contracts are a lawful exercise of the powers of a national bank.

§ 7.1014 Sale of money orders at nonbanking outlets.

A national bank may designate bonded agents to sell the bank's money orders at nonbanking outlets. The responsibility of both the bank and its agent should be defined in a written agreement setting forth the duties of both parties and providing for remuneration of the agent. The bank's agents need not report on sales and transmit funds from the nonbanking outlets more frequently than at the end of the third business day following receipt of the funds.

§ 7.1015 Receipt of stock from a small business investment company.

A national bank may purchase the stock of a small business investment company (SBIC) (*see* 15 U.S.C. 682(b)), and may receive the benefits of such stock ownership (*e.g.*, stock dividends). The receipt and retention of a dividend by a national bank from an SBIC in the form of stock of a corporate borrower of the SBIC is not a purchase of stock within the meaning of 12 U.S.C. 24 (Seventh).

§ 7.1016 Independent undertakings to pay against documents.

(a) *General authority.* A national bank may issue and commit to issue letters of credit and other independent undertakings within the scope of the applicable laws or rules of practice recognized by law.[1] Under such letters of credit and other independent undertakings, the bank's obligation to honor depends upon the presentation of specified documents and not upon nondocumentary conditions or resolution of questions of fact or law at issue between the account party and the beneficiary. A national bank may also confirm or otherwise undertake to honor or purchase specified documents upon their presentation under another person's independent undertaking within the scope of such laws or rules.

(b) *Safety and soundness considerations*—(1) *Terms.* As a matter of safe and sound banking practice, banks that issue independent undertakings should not be exposed to undue risk. At a minimum, banks should consider the following:

(i) The independent character of the undertaking should be apparent from its terms (such as terms that subject it to laws or rules providing for its independent character);

(ii) The undertaking should be limited in amount;

(iii) The undertaking should:

(A) Be limited in duration; or

(B) Permit the bank to terminate the undertaking either on a periodic basis (consistent with the bank's ability to make any necessary credit assessments) or at will upon either notice or payment to the beneficiary; or

(C) Entitle the bank to cash collateral from the account party on demand (with a right to accelerate the customer's obligations, as appropriate); and

(iv) The bank either should be fully collateralized or have a post-honor right of reimbursement from its customer or from another issuer of an independent undertaking. Alternatively, if the bank's undertaking is to purchase documents of title, securities, or other valuable documents, the bank should obtain a first priority right to realize on the documents if the bank is not otherwise to be reimbursed.

(2) *Additional considerations in special circumstances.* Certain undertakings require particular protections against credit, operational, and market risk:

(i) In the event that the undertaking is to honor by delivery of an item of value other than money, the bank should ensure that market fluctuations that affect the value of the item will not cause the bank to assume undue market risk;

(ii) In the event that an undertaking provides for renewal, the terms for renewal should be consistent with the bank's ability to make any necessary credit assessments prior to renewal; and

(iii) In the event that a bank issues an undertaking for its own account, the underlying transaction for which it is issued must be within the bank's authority and comply with any safety and soundness requirements applicable to that transaction.

(3) *Operational expertise.* The bank should possess operational expertise that is commensurate with the sophistication of its independent undertaking activities.

(4) *Documentation.* The bank must accurately reflect the bank's undertakings in its records, including any acceptance or deferred payment or other absolute obligation arising out of its contingent undertaking.

(c) *Coverage.* An independent undertaking within the meaning of this section is not subject to the provisions of § 7.1017.

§ 7.1017 National bank as guarantor or surety on indemnity bond.

A national bank may lend its credit, bind itself as a surety to indemnify another, or otherwise become a guarantor, if:

(a) The bank has a substantial interest in the performance of the transaction involved (for example, a bank, as fiduciary, has a sufficient interest in the faithful performance by a cofiduciary of its duties to act as surety on the bond of such cofiduciary); or

(b) The transaction is for the benefit of a customer and the bank obtains from the customer a segregated deposit that is sufficient in amount to cover the bank's total potential liability. A segregated deposit under this section includes collateral:

(1) In which the bank has perfected its security interest (for example, if the collateral is a printed security, the bank must have obtained physical control of the security, and, if the collateral is a book entry security, the bank must have properly recorded its security interest); and

(2) That has a market value, at the close of each business day, equal to the bank's total potential liability and is composed of:

(i) Cash;

(ii) Obligations of the United States or its agencies;

(iii) Obligations fully guaranteed by the United States or its agencies as to principal and interest; or

(iv) Notes, drafts, or bills of exchange or bankers' acceptances that are eligible for rediscount or purchase by a Federal Reserve Bank; or

(3) That has a market value, at the close of each business day, equal to 110 percent of the bank's total potential liability and is composed of obligations of a State or political subdivision of a State.

§ 7.1018 Automatic payment plan account.

A national bank may, for the benefit and convenience of its savings depositors, adopt an automatic payment plan under which a savings account will earn dividends at the current rate paid on regular savings accounts. The depositor, upon reaching a previously designated age, receives his or her accumulated savings and earned interest in installments of equal amounts over a specified period.

§ 7.1019 Furnishing of products and services by electronic means and facilities.

A national bank may perform, provide, or deliver through electronic means and facilities any activity, function, product, or service that it is otherwise authorized to perform, provide, or deliver. A national bank may also, in order to optimize the use of the bank's resources, market and sell to third parties electronic capacities acquired or developed by the bank in good faith for banking purposes.

§ 7.1020 Purchase of open accounts.

(a) *General.* The purchase of open accounts is a part of the business of banking and within the power of a national bank.

(b) *Export transactions.* A national bank may purchase open accounts in connection with export transactions; the accounts should be protected by insurance such as that provided by the Foreign Credit Insurance Association and the Export-Import Bank.

§ 7.1021 Separate investment security limitations.

The 10 percent investment limitation of 12 U.S.C. 24 (Seventh) may be

[1] Samples of such laws or rules of practice include, but are not limited to: the applicable version of Article 5 of the Uniform Commercial Code (UCC) (1962, as amended 1990) or revised Article 5 of the UCC (as amended 1995) (available from West Publishing Co., 1/800/340–9378); the Uniform Customs and Practice for Documentary Credits (International Chamber of Commerce (ICC) Publication No. 500) (available from ICC Publishing, Inc., 212/206–1150); the United Nations Commission on International Trade Law (UNCITRAL) Convention on Independent Guarantees and Standby Letters of Credit (adopted by UNCITRAL 1995) (available from UNCITRAL, 212/963–5353); and the Uniform Rules for Bank-to-Bank Reimbursements Under Documentary Credits (ICC Publication No. 525) (available from ICC Publishing, Inc., 212/206–1150); as any of the foregoing may be amended from time to time.

applied separately to each security issue of a single issuer of such securities, if the proceeds of each issue are to be used to acquire and lease real estate and related facilities to economically and legally separate industrial tenants and each issue is payable solely from, and secured by a first lien on, the revenues to be derived from rentals paid by such lessee under net noncancellable leases.

Subpart B—Corporate Practices

§ 7.2000 Corporate governance procedures.

(a) *General.* A national bank proposing to engage in a corporate governance procedure shall comply with applicable Federal banking statutes and regulations, and safe and sound banking practices.

(b) *Other sources of guidance.* To the extent not inconsistent with applicable Federal banking statutes or regulations, or bank safety and soundness, a national bank may elect to follow the corporate governance procedures of the law of the state in which the main office of the bank is located, the law of the state in which the holding company of the bank is incorporated, the Delaware General Corporation Law, Del. Code Ann. tit. 8 (1991, as amended 1994, and as amended thereafter), or the Model Business Corporation Act (1984, as amended 1994, and as amended thereafter). A national bank shall designate in its bylaws the body of law selected for its corporate governance procedures.

(c) *No-objection procedures.* The OCC also considers requests for its staff's position on the ability of a national bank to engage in a particular corporate governance procedure in accordance with the no-objection procedures set forth in Banking Circular 205 or any subsequently published agency procedures.[2] Requests should demonstrate how the proposed practice is not inconsistent with applicable Federal statutes or regulations, and is consistent with safe and sound banking practices.

§ 7.2001 Notice of shareholders' meetings.

A national bank must mail shareholders notice of the time, place, and purpose of all shareholders' meetings at least 10 days prior to the meeting by first class mail, unless the OCC determines that an emergency circumstance exists. Where a national bank is a wholly-owned subsidiary, the sole shareholder is permitted to waive notice of the shareholder's meeting. The articles of association, bylaws, or law applicable to a national bank may require a longer period of notice.

§ 7.2002 Director or attorney as proxy.

Any person or group of persons, except the bank's officers, clerks, tellers, or bookkeepers, may be designated to act as proxy. The bank's directors or attorneys may act as proxy if they are not also employed as an officer, clerk, teller or bookkeeper of the bank.

§ 7.2003 Annual meeting for election of directors.

When the day fixed for the regular annual meeting of the shareholders falls on a legal holiday in the state in which the bank is located, the shareholders' meeting shall be held, and the directors elected, on the next following banking day.

§ 7.2004 Honorary directors or advisory boards.

A national bank may appoint honorary or advisory members of a board of directors to act in advisory capacities without voting power or power of final decision in matters concerning the business of the bank. Any listing of honorary or advisory directors must distinguish between them and the bank's board of directors or indicate their advisory status.

§ 7.2005 Ownership of stock necessary to qualify as director.

(a) *General.* A national bank director must own a qualifying equity interest in a national bank or a company that has control of a national bank. The director must own the qualifying equity interest in his or her own right and meet a certain minimum threshold ownership.

(b) *Qualifying equity interest*—(1) *Minimum required equity interest.* For purposes of this section, a qualifying equity interest includes common or preferred stock of the bank or of a company that controls the bank that has not less than an aggregate par value of $1,000, an aggregate shareholders' equity of $1,000, or an aggregate fair market value of $1,000.

(i) The value of the common or preferred stock held by a national bank director is valued as of the date purchased or the date on which the individual became a director, whichever value is greater.

(ii) In the case of a company that owns more than one national bank, a director may use his or her equity interest in the controlling company to satisfy, in whole or in part, the equity interest requirement for any or all of the controlled national banks.

(iii) Upon request, the OCC may consider whether other interests in a company controlling a national bank constitute an interest equivalent to $1,000 par value of national bank stock.

(2) *Joint ownership and tenancy in common.* Shares held jointly or as a tenant in common are qualifying shares held by a director in his or her own right only to the extent of the aggregate value of the shares which the director would be entitled to receive on dissolution of the joint tenancy or tenancy in common.

(3) *Shares in a living trust.* Shares deposited by a person in a living trust (inter vivos trust) as to which the person is a trustee and retains an absolute power of revocation are shares owned by the person in his or her own right.

(4) *Other arrangements.* A director may also hold his or her qualifying interest through profit sharing plans, individual retirement accounts, retirement plans, and similar arrangements, provided the director retains beneficial ownership and legal control over the shares.

(c) *Non-qualifying ownership.* The following are not shares held by a director in his or her own right:

(1) Shares pledged by the holder to secure a loan. However, all or part of the funds used to purchase the required qualifying equity interest may be borrowed from any party, including the bank or its affiliates;

(2) Shares purchased subject to an absolute option vested in the seller to repurchase the shares within a specified period; and

(3) Shares deposited in a voting trust where the depositor surrenders:

(i) Legal ownership (depositor ceases to be registered owner of the stock);

(ii) Power to vote the stock or to direct how it shall be voted; or

(iii) Power to transfer legal title to the stock.

§ 7.2006 Cumulative voting in election of directors.

When electing directors, a shareholder shall have as many votes as the number of directors to be elected multiplied by the number of the shareholder's shares. The shareholder may cast all these votes for one candidate, or distribute the votes among as many candidates as the shareholder chooses. If, after the first ballot, subsequent ballots are necessary to elect directors, a shareholder may not vote shares that he or she has already fully cumulated and voted in favor of a successful candidate.

§ 7.2007 Filling vacancies and increasing board of directors other than by shareholder action.

(a) *Increasing board of directors.* If authorized by the bank's articles of

[2] Available upon request from the OCC Communications Division, 250 E Street, SW., Washington, DC 20219, (202) 874–4700.

association, between shareholder meetings a majority of the board of directors may increase the number of the bank's directors within the limits specified in 12 U.S.C. 71a. The board of directors may increase the number of directors only by up to two directors, when the number of directors last elected by shareholders was 15 or fewer, and by up to four directors, when the number of directors last elected by shareholders was 16 or more.

(b) *Vacancies.* If a vacancy occurs on the board of directors, including a vacancy resulting from an increase in the number of directors, the vacancy may be filled by the shareholders, a majority of the board of directors remaining in office, or, if the directors remaining in office constitute fewer than a quorum, by an affirmative vote of a majority of all the directors remaining in office.

§ 7.2008 Oath of directors.

(a) *Administration of the oath.* A notary public, including one who is a director but not an officer of the national bank, may administer the oath of directors. Any person, other than an officer of the bank, having an official seal and authorized by the state to administer oaths, may also administer the oath.

(b) *Execution of the oath.* Each director attending the organization meeting shall execute either the joint or individual oath. A director not attending the organization meeting (the first meeting after the election of the directors) shall execute the individual oath. A director shall take another oath upon re-election, notwithstanding uninterrupted service. Appropriate sample oaths are located in the ''Comptroller's Manual for Corporate Activities.''

§ 7.2009 Quorum of the board of directors; proxies not permissible.

A national bank shall provide in its articles of association or bylaws that for the transaction of business, a quorum of the board of directors is at least a majority of the entire board then in office. A national bank director may not vote by proxy.

§ 7.2010 Directors' responsibilities.

The business and affairs of the bank shall be managed by or under the direction of the board of directors. The board of directors should refer to OCC published guidance for additional information regarding responsibilities of directors.

§ 7.2011 Compensation plans.

Consistent with safe and sound banking practices and the compensation provisions of 12 CFR part 30, a national bank may adopt compensation plans, including, among others, the following:

(a) *Bonus and profit-sharing plans.* A national bank may adopt a bonus or profit-sharing plan designed to ensure adequate remuneration of bank officers and employees.

(b) *Pension plans.* A national bank may provide employee pension plans and make reasonable contributions to the cost of the pension plan.

(c) *Employee stock option and stock purchase plans.* A national bank may provide employee stock option and stock purchase plans.

§ 7.2012 President as director; chief executive officer.

Pursuant to 12 U.S.C. 76, the president of a national bank must be a member of the board of directors, but a director other than the president may be elected chairman of the board. A person other than the president may serve as chief executive officer, and this person is not required to be a director of the bank.

§ 7.2013 Fidelity bonds covering officers and employees.

(a) *Adequate coverage.* All officers and employees of a national bank must have adequate fidelity coverage. The failure of directors to require bonds with adequate sureties and in sufficient amount may make the directors liable for any losses that the bank sustains because of the absence of such bonds. Directors should not serve as sureties on such bonds.

(b) *Factors.* The board of directors should determine the amount of such coverage, premised upon a consideration of factors, including:

(1) Internal auditing safeguards employed;

(2) Number of employees;

(3) Amount of deposit liabilities; and

(4) Amount of cash and securities normally held by the bank.

§ 7.2014 Indemnification of institution-affiliated parties.

(a) *Administrative proceedings or civil actions initiated by Federal banking agencies.* A national bank may only make or agree to make indemnification payments to an institution-affiliated party with respect to an administrative proceeding or civil action initiated by any Federal banking agency, that are reasonable and consistent with the requirements of 12 U.S.C. 1828(k) and the implementing regulations thereunder. The term ''institution-affiliated party'' has the same meaning as set forth at 12 U.S.C. 1813(u).

(b) *Administrative proceeding or civil actions not initiated by a Federal banking agency*—(1) *General.* In cases involving an administrative proceeding or civil action not initiated by a Federal banking agency, a national bank may indemnify an institution-affiliated party for damages and expenses, including the advancement of expenses and legal fees, in accordance with the law of the state in which the main office of the bank is located, the law of the state in which the bank's holding company is incorporated, or the relevant provisions of the Model Business Corporation Act (1984, as amended 1994, and as amended thereafter), or Delaware General Corporation Law, Del. Code Ann. tit. 8 (1991, as amended 1994, and as amended thereafter), provided such payments are consistent with safe and sound banking practices. A national bank shall designate in its bylaws the body of law selected for making indemnification payments under this paragraph.

(2) *Insurance premiums.* A national bank may provide for the payment of reasonable premiums for insurance covering the expenses, legal fees, and liability of institution-affiliated parties to the extent that the expenses, fees, or liability could be indemnified under paragraph (b)(1) of this section.

§ 7.2015 Cashier.

A national bank's bylaws, board of directors, or a duly designated officer may assign some or all of the duties previously performed by the bank's cashier to its president, chief executive officer, or any other officer.

§ 7.2016 Restricting transfer of stock and record dates.

(a) *Conditions for stock transfer.* Under 12 U.S.C. 52, a national bank may impose conditions upon the transfer of its stock reasonably calculated to simplify the work of the bank with respect to stock transfers, voting at shareholders' meetings, and related matters and to protect it against fraudulent transfers.

(b) *Record dates.* A national bank may close its stock records for a reasonable period to ascertain shareholders for voting purposes. The board of directors may fix a record date for determining the shareholders entitled to notice of, and to vote at, any meeting of shareholders. The record date should be in reasonable proximity to the date that notice is given to the shareholders of the meeting.

§ 7.2017 Facsimile signatures on bank stock certificates.

The president and cashier, or other officers authorized by the bank's

bylaws, shall sign each national bank stock certificate. The signatures may be manual or facsimile, including electronic means of signature. Each certificate must be sealed with the seal of the association.

§ 7.2018 Lost stock certificates.

If a national bank does not provide for replacing lost, stolen, or destroyed stock certificates in its articles of association or bylaws, the bank may adopt procedures in accordance with § 7.2000.

§ 7.2019 Loans secured by a bank's own shares.

(a) *Permitted agreements, relating to bank shares.* A national bank may require a borrower holding shares of the bank to execute agreements:

(1) Not to pledge, give away, transfer, or otherwise assign such shares;

(2) To pledge such shares at the request of the bank when necessary to prevent loss; and

(3) To leave such shares in the bank's custody.

(b) *Use of capital notes and debentures.* A national bank may not make loans secured by a pledge of the bank's own capital notes and debentures. Such notes and debentures must be subordinated to the claims of depositors and other creditors of the issuing bank, and are, therefore, capital instruments within the purview of 12 U.S.C. 83.

§ 7.2020 Acquisition and holding of shares as treasury stock.

Pursuant to the authority and procedures of 12 U.S.C. 59, a national bank may acquire its outstanding shares and hold them as treasury stock, provided that the acquisition and retention of the shares is, and continues to be, for a legitimate corporate purpose. It would not be permissible for a national bank to acquire or hold treasury stock for speculation.

§ 7.2021 Preemptive rights.

A national bank in its articles of association must grant or deny preemptive rights to the bank's shareholders. Any amendment to a national bank's articles of association which modifies such preemptive rights must be approved by a vote of the holders of two-thirds of the bank's outstanding voting shares.

§ 7.2022 Voting trusts.

The shareholders of a national bank may establish a voting trust under the applicable law of a state selected by the participants and designated in the trust agreement, provided the implementation of the trust is consistent with safe and sound banking practices.

§ 7.2023 Fractional shares.

To avoid complicated recordkeeping in connection with fractional shares, a national bank issuing additional stock by stock dividend, upon consolidation or merger, or otherwise, may adopt arrangements such as the following to preclude the issuance of fractional shares. The bank may:

(a) Issue scripts or warrants for trading in fractions;

(b) Make reasonable arrangements to provide those to whom fractional shares would otherwise be issued an opportunity to realize at a fair price upon the fraction not being issued through its sale, or the purchase of the additional fraction required for a full share, if there is an established and active market in the national bank's stock;

(c) Remit the cash equivalent of the fraction not being issued to those to whom fractional shares would otherwise be issued. The cash equivalent is based on the market value of the stock, if there is an established and active market in the national bank's stock. In the absence of such a market, the cash equivalent is based on a reliable and disinterested determination as to the fair market value of the stock if such stock is available; or

(d) Sell full shares representing all the fractions at public auction, or to the highest bidder after having solicited and received sealed bids from at least three licensed stock brokers. The national bank shall distribute the proceeds of the sale *pro rata* to shareholders who otherwise would be entitled to the fractional shares.

§ 7.2024 Dividends payable in property other than cash.

In addition to cash dividends, directors of a national bank may declare dividends payable in property, with the approval of the OCC. Even though the property distributed has been previously charged down or written off entirely, the dividend is equivalent to a cash dividend in an amount equal to the actual current value of the property. Before the dividend is declared, the bank should show the excess of the actual value over book value on the books of the national bank as a recovery, and the dividend should then be declared in the amount of the full book value (equivalent to the actual current value) of the property being distributed.

Subpart C—Bank Operations

§ 7.3000 Bank hours and closings.

(a) *Bank hours.* A national bank's board of directors should review its banking hours, and, independently of any other bank, take appropriate action to establish a schedule of banking hours.

(b) *Emergency closings.* Pursuant to 12 U.S.C. 95(b)(1), the Comptroller of the Currency (Comptroller), a state, or a legally authorized state official may declare a day a legal holiday if emergency conditions exist. That day is a legal holiday for national banks or their offices in the affected geographic area (*i.e.*, throughout the country, in a state, or in part of a state). Emergency conditions include natural disasters and civil and municipal emergencies (*e.g.*, severe flooding, or a power emergency declared by a local power company or government requesting that businesses in the affected area close). The Comptroller issues a proclamation authorizing the emergency closing in accordance with 12 U.S.C. 95 at the time of the emergency condition, or soon thereafter. When the Comptroller, a state, or a legally authorized state official declares a day to be a legal holiday due to emergency conditions, a national bank may choose to remain open or to close any of its banking offices in the affected geographic area.

(c) *Ceremonial closings.* A state or a legally authorized state official may declare a day a legal holiday for ceremonial reasons. When a state or a legally authorized state official declares a day to be a legal holiday for ceremonial reasons, a national bank may choose to remain open or to close.

(d) *Liability.* A national bank should assure that all liabilities or other obligations under the applicable law due to the bank's closing are satisfied.

§ 7.3001 Sharing space and employees.

(a) *Sharing space.* A national bank may:

(1) Lease excess space on bank premises to one or more other businesses (including other banks and financial institutions);

(2) Share space jointly held with one or more other businesses; or

(3) Offer its services in space owned or leased to other businesses.

(b) *Sharing employees.* When sharing space with other businesses as described in paragraph (a) of this section, a national bank may provide, under one or more written agreements among the bank, the other businesses, and their employees, that:

(1) A bank employee may act as agent for the other business; or

(2) An employee of the other business may act as agent for the bank.

(c) *Supervisory conditions.* When a national bank engages in arrangements of the types listed in paragraphs (a) and (b) of this section, the bank shall ensure that:

(1) The other business is conspicuously, accurately, and separately identified;

(2) Shared employees clearly and fully disclose the nature of their agency relationship to customers of the bank and of the other businesses so that customers will know the identity of the bank or business that is providing the product or service;

(3) The arrangement does not constitute a joint venture or partnership with the other business under applicable state law;

(4) All aspects of the relationship between the bank and the other business are conducted at arm's length, unless a special arrangement is warranted because the other business is a subsidiary of the bank;

(5) Security issues arising from the activities of the other business on the premises are addressed;

(6) The activities of the other business do not adversely affect the safety and soundness of the bank;

(7) The shared employees or the entity for which they perform services are duly licensed or meet qualification requirements of applicable statutes and regulations pertaining to agents or employees of such other business; and

(8) The assets and records of the parties are segregated.

(d) *Other legal requirements.* When entering into arrangements, of the types described in paragraphs (a) and (b) of this section, and in conducting operations pursuant to those arrangements the bank must ensure that each arrangement complies with 12 U.S.C. 29 and 36 and with any other applicable laws and regulations. If the arrangement involves an affiliate or a shareholder, director, officer or employee of the bank:

(1) The bank must ensure compliance with all applicable statutory and regulatory provisions governing bank transactions with these persons or entities;

(2) The parties must comply with all applicable fiduciary duties; and

(3) The parties, if they are in competition with each other, must consider limitations, if any, imposed by applicable antitrust laws.

Subpart D—Preemption

§ 7.4000 Books and records of national banks.

(a) *Inspection.* Except as otherwise expressly provided by Federal law, including 12 U.S.C. 62, relating to the right of shareholders, creditors, and certain tax officials to inspect the list of shareholders of a bank, only the Comptroller of the Currency or the Comptroller's authorized representatives are authorized to inspect books or records of a national bank. Production of records may, however, be required under normal judicial procedures.

(b) *Visitorial powers.* Except as otherwise expressly provided by Federal law, the exercise of visitorial powers over national banks is vested solely in the OCC, 12 U.S.C. 484. State officials have no authority to conduct examinations or to inspect or require the production of books or records of national banks, except for the limited purpose of ensuring compliance with applicable state unclaimed property and escheat laws. State authority to review the books and records of a national bank is limited to those circumstances in which there is reasonable cause to believe that the bank has failed to comply with those laws. Federal law provides special procedures for verifying payroll records for unemployment compensation purposes, 26 U.S.C. 3305(c), for enforcing the Fair Labor Standards Act, 29 U.S.C. 211, and for ascertaining the correctness of Federal tax returns, 26 U.S.C. 7602.

(c) *Report of examination.* The report of examination made by an OCC examiner is designated solely for use in the supervision of the bank. The bank's copy of the report is the property of the OCC and is loaned to the bank and any holding company thereof solely for its confidential use. The bank's directors, in keeping with their responsibilities both to depositors and to shareholders, should thoroughly review the report. The report may be made available to other persons only in accordance with the rules on disclosure in 12 CFR part 4.

§ 7.4001 Charging interest at rates permitted competing institutions; charging interest to corporate borrowers.

(a) *Definition.* The term ''interest'' as used in 12 U.S.C. 85 includes any payment compensating a creditor or prospective creditor for an extension of credit, making available of a line of credit, or any default or breach by a borrower of a condition upon which credit was extended. It includes, among other things, the following fees connected with credit extension or availability: numerical periodic rates, late fees, not sufficient funds (NSF) fees, overlimit fees, annual fees, cash advance fees, and membership fees. It does not ordinarily include appraisal fees, premiums and commissions attributable to insurance guaranteeing repayment of any extension of credit, finders' fees, fees for document preparation or notarization, or fees incurred to obtain credit reports.

(b) *Authority.* A national bank located in a state may charge interest at the maximum rate permitted to any state-chartered or licensed lending institution by the law of that state. If state law permits different interest charges on specified classes of loans, a national bank making such loans is subject only to the provisions of state law relating to that class of loans that are material to the determination of the permitted interest. For example, a national bank may lawfully charge the highest rate permitted to be charged by a state-licensed small loan company, without being so licensed, but subject to state law limitations on the size of loans made by small loan companies.

(c) *Effect on state definitions of interest.* The Federal definition of the term ''interest'' in paragraph (a) of this section does not change how interest is defined by the individual states (nor how the state definition of interest is used) solely for purposes of state law. For example, if late fees are not ''interest'' under state law where a national bank is located but state law permits its most favored lender to charge late fees, then a national bank located in that state may charge late fees to its intrastate customers. The national bank may also charge late fees to its interstate customers because the fees are interest under the Federal definition of interest and an allowable charge under state law where the national bank is located. However, the late fees would not be treated as interest for purposes of evaluating compliance with state usury limitations because state law excludes late fees when calculating the maximum interest that lending institutions may charge under those limitations.

(d) *Usury.* A national bank located in a state the law of which denies the defense of usury to a corporate borrower may charge a corporate borrower any rate of interest agreed upon by a corporate borrower.

§ 7.4002 National bank charges.

(a) *Customer charges and fees.* A national bank may charge its customers non-interest charges and fees, including deposit account service charges. For example, a national bank may impose deposit account service charges that its board of directors determines to be reasonable on dormant accounts. A national bank may also charge a borrower reasonable fees for credit reports or investigations with respect to a borrower's credit. All charges and fees should be arrived at by each bank on a competitive basis and not on the basis of any agreement, arrangement,

undertaking, understanding, or discussion with other banks or their officers.

(b) *Considerations.* The establishment of non-interest charges and fees, and the amounts thereof, is a business decision to be made by each bank, in its discretion, according to sound banking judgment and safe and sound banking principles. A bank reasonably establishes non-interest charges and fees if the bank considers the following factors, among others:

(1) The cost incurred by the bank, plus a profit margin, in providing the service;

(2) The deterrence of misuse by customers of banking services;

(3) The enhancement of the competitive position of the bank in accordance with the bank's marketing strategy; and

(4) The maintenance of the safety and soundness of the institution.

(c) *Interest.* Charges and fees that are ''interest'' within the meaning of 12 U.S.C. 85 are governed by § 7.4001 and not by this section.

(d) *State law.* The OCC evaluates on a case-by-case basis whether a national bank may establish non-interest charges or fees pursuant to paragraphs (a) and (b) of this section notwithstanding a contrary state law that purports to limit or prohibit such charges or fees. In issuing an opinion on whether such state laws are preempted, the OCC applies preemption principles derived from the Supremacy Clause of the United States Constitution and applicable judicial precedent.

(e) *National bank as fiduciary.* This section does not apply to charges imposed by a national bank in its capacity as a fiduciary, which are governed by 12 CFR part 9.

PART 31—EXTENSIONS OF CREDIT TO NATIONAL BANK INSIDERS

2. The authority citation for part 31 is revised to read as follows:

Authority: 12 U.S.C. 375a(4), 375b(3), 1817(k), and 1972(2)(G)(ii).

3. Part 31 is amended by adding, at the end of the part, the undesignated center heading ''Interpretations'' and new §§ 31.100 to 31.102 to read as follows:

Interpretations

§ 31.100 Loans secured by stock or obligations of an affiliate.

A bank that makes a loan to an unaffiliated third party may take a security interest in securities of an affiliate as collateral for the loan without the loan being deemed a ''covered transaction'' under section 23A of the Federal Reserve Act (12 U.S.C. 371c) if:

(a) The borrower provides additional collateral that meets or exceeds the collateral requirements specified in section 23A(c) (12 U.S.C. 371c(c)); and

(b) The loan proceeds are not used to purchase the bank affiliate's securities that serve as collateral.

§ 31.101 Federal funds transactions between affiliates.

The limitations contained in 12 U.S.C. 371c apply to the sale of Federal funds by a national bank to an affiliate of the bank.

§ 31.102 Deposits between affiliated banks.

(a) *General rule.* The OCC considers a deposit made by a bank in an affiliated bank to be a loan or extension of credit to the affiliate under 12 U.S.C. 371c. These deposits must be secured in accordance with 12 U.S.C. 371c(c). However, a national bank may not pledge assets to secure private deposits unless otherwise permitted by law (*see, e.g.,* 12 U.S.C. 90 (permitting collateralization of deposits of public funds); 12 U.S.C. 92a (trust funds); and 25 U.S.C. 156 and 162a (Native American funds)). Thus, unless one of the exceptions to 12 U.S.C. 371c noted in paragraph (b) of this section applies or unless another exception applies that enables a bank to meet the collateral requirements of 12 U.S.C. 371c(c), a national bank may not:

(1) Make a deposit in an affiliated national bank;

(2) Make a deposit in an affiliated state-chartered bank unless the affiliated state-chartered bank can legally offer collateral for the deposit in conformance with applicable state law and 12 U.S.C. 371c; or

(3) Receive deposits from an affiliated bank.

(b) *Exceptions.* The restrictions of 12 U.S.C. 371c (other than 12 U.S.C. 371c(a)(4), which requires affiliate transactions to be consistent with safe and sound banking practices) do not apply to deposits:

(1) Made in the ordinary course of correspondent business; or

(2) Made in an affiliate that qualifies as a ''sister bank'' under 12 U.S.C. 371c(d)(1).

Dated: February 5, 1996.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 96–2903 Filed 2–8–96; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ASO–6]

Amendment to Class D Airspace, Millington, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the name of Memphis NAS to Memphis MAS/Millington Municipal Airport and changes the title of the airspace designation for the Memphis NAS/Millington Municipal Airport located at Millington, TN, from Memphis NAS, TN, to Millington, TN.

EFFECTIVE DATE: 0901 UTC, April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Benny L. McGlamery, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

The Memphis Naval Air Station (NAS) is now a joint use airport. As a result, the name of the airport located at Millington, TN, changed from Memphis NAS to Memphis NAS/Millington Municipal Airport. This amendment is necessary to reflect that change. The dimensions, configuration and operating requirements of the affected airspace do not change. This rule will become effective on the date specified in the **EFFECTIVE DATE** section. Since this action does not change the dimensions, configuration or operating requirements of the Class D surface area airspace for the airport, and as a result, has no impact on users of the airspace in the vicinity of the Memphis NAS/Millington Municipal Airport, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995. The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulatory (14 CFR part 71) changes the name of Memphis NAS to Memphis NAS/Millington

Municipal Airport and changes the title of the airspace designation for the Memphis NAS/Millington Municipal Airport located at Millington, TN, from Memphis NAS, TN, to Millington, TN.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO TN D Millington, TN [Revised]

Memphis NAS/Millington Municipal Airport, TN
(lat. 35°21′20″ N, long. 89°52′10″ W)

That airspace extending upward from the surface to and including 2800 feet MSL within a 5-mile radius of Memphis NAS/Millington Municipal Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on January 24, 1996.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 96–2510 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–m

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 92F–0447]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Periodic Acid and Polyethylenimine

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of periodic acid (PA) and polyethylenimine (PEI) as fixing agents for the immobilization of glucoamylase enzyme preparations from *Aspergillus niger* for use in the manufacture of beer. This action is in response to a petition filed by Enzyme Bio-Systems, Ltd.

DATES: Effective February 9, 1996; written objections and requests for a hearing by March 11, 1996.

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

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3071.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 1, 1993 (58 FR 63381), FDA announced that a food additive petition (FAP 1A4288) had been filed by Enzyme Bio-Systems, Ltd., 2600 Kennedy Dr., Beloit, WI 53511, proposing that the food additive regulations be amended to provide for the safe use of periodic acid and polyethyleneimine as fixing agents for immobilizing those enzymes that are generally recognized as safe (GRAS) or approved as food additives.

In a letter of February 2, 1994 (Ref. 1), the petition was amended by the petitioner to provide for the use of PA and PEI as fixing agents for the immobilization of glucoamylase enzyme preparations from *A. niger* for use in the manufacture of light beer. The Bureau of Alcohol, Tobacco, and Firearms, the Federal agency responsible for the regulation of alcoholic beverages such as beer, has informed FDA that the term ''light,'' with respect to the description of beer, is not defined by regulation or any other regulatory standards (Ref. 2). Accordingly, FDA has omitted the term ''light'' in the regulation responding to this petition because there are no applicable Federal standards defining ''light beer.''

Although the filing notice refers to polyethyleneimine as one of the two petitioned additives under agency evaluation, it became apparent during the review of the petition that the name of the additive should be changed to be consistent with the name of the substance that is currently listed in § 173.357(a)(2) (21 CFR 173.357(a)(2)), ''polyethylenimine reaction product with 1,2-dichloroethane.'' While the name of the additives differ, the additives share the same Chemical Abstract Service (CAS) Registry Number (CAS Reg. No. 68130–97–2) and are thus considered chemically identical by the agency. The petitioner has agreed to the name change. Therefore, the petitioned additive is identified as a PEI reaction product with 1,2-dichloroethane (DCE) in the regulation set forth below. However, for purposes of discussion, this preamble will use the term ''polyethylenimine'' to refer to the additive, PEI reaction product with 1,2-dichloroethane.

Glucoamylase enzyme preparation from *A. niger* is the substance that is to be immobilized with the fixing agents set forth in the regulation below; the regulatory status of that enzyme preparation is not addressed by this action. The agency is, however, concurrently evaluating this particular enzyme preparation, along with a variety of other enzymes from other sources, in its review of petition GRASP 3G0016 (Docket No. 84G–0257) for the affirmation of the GRAS status of certain enzymes. (Eight enzyme preparations included in GRASP 3G0016 were recently affirmed as GRAS (60 FR 32904, June 26, 1995).) The petition GRASP 3G0016 contains published data and information to support the view that the enzyme preparation glucoamylase from *A. niger* has had a long history of use prior to 1958 in the preparation of food as well as fermentable materials that are used in the production of alcoholic beverages (Refs. 3 and 4). Further, FDA is not aware of any data or information showing that glucoamylase from *A. niger* poses a safety concern. Finally

FDA acknowledges that under the Federal Food, Drug, and Cosmetic Act (the act), a food manufacturer may market a substance for use in food on the basis of the manufacturer's independent determination that the substance is GRAS and thus exempt from the definition of food additive in section 201(s) of the act (21 U.S.C. 321(s)).

In this scientific and legal context, FDA believes that it is appropriate to proceed with a final rule approving the use of PEI and PA as fixing agents for immobilizing glucoamylase from *A. niger* for use in the manufacture of beer even though the agency has not completed the GRAS affirmation process for all of the enzymes that are the subject of GRASP 3G0016, including glucoamylase enzyme preparation.

In its evaluation of PA and PEI for the proposed use, FDA reviewed the safety of the additives and the chemical impurities that may be present in the additives resulting from the manufacturing processes. Although neither PA nor PEI has been shown to cause cancer, PEI may contain minute amounts of unreacted ethylenimine (EI) and 1,2-dichloroethane because these reactants are used in the manufacture of the additive. EI and 1,2-dichloroethane have been shown to be carcinogens in bioassays with mice and rats (Refs. 5, 6, and 7). The presence of such impurities is not unique to this additive. Residual amounts of reactants and manufacturing aids are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under section 409(c)(3)(A) of the act (21 U.S.C. 348(c)(3)(A)), the so-called ''general safety clause,'' a food additive cannot be approved for a particular use unless a fair evaluation of the data and information available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The anticancer or Delaney clause (section 409(c)(3)(A)) of the act) further provides that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to the constituents of the additive. That is, where an additive has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety clause using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive. (See *Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984).)

II. Evaluation of Safety of Petitioned Use of the Additives

FDA estimates that the petitioned use of the additives PA and PEI to fix glucoamylase enzyme preparations would result in mean exposures to these additives of 0.7 micrograms per person per day (µg/person/day) for iodate, which is formed from the decomposition of PA (Ref. 8), and no greater than 330 µg/person/day for PEI (Ref. 9).

FDA does not ordinarily consider chronic toxicological testing to be necessary to determine the safety of additives whose use will result in such low exposure levels (Ref. 10), and the agency has not required such testing here. The agency has reviewed the available toxicological data from acute toxicity studies on the additives. No adverse effects were reported in these studies (Ref. 11).

FDA has evaluated the safety of PEI under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper-bound limit of risk presented by EI and DCE that may be present as impurities in the additive. This risk evaluation of EI and DCE has two aspects: (1) Assessment of the exposure to the impurities from the proposed use of the additive, and (2) extrapolation of the risk observed in animal bioassays to the conditions of probable exposure to humans.

A. Ethylenimine (EI)

Using estimates of the average intake of beer, FDA estimates the potential exposure to EI from the petitioned use of PEI as an immobilizing agent for glucoamylase enzyme preparations from *A. niger* used in the production of beer to be 0.33 nanograms (ng)/person/day (Ref. 9). To estimate the risk from EI (Ref. 5), the agency used data from a carcinogen bioassay with the B6C3F1 strain of mice using the oral route of exposure. EI treatment caused an increased incidence of both lung and liver tumors that were neoplastic (Ref. 5).

Based on a potential exposure of 0.33 ng/person/day, FDA estimates that the upper-bound limit of individual lifetime risk from the potential exposure to EI from the use of PEI is 1.2×10^{-7}, or less than 1.2 in 10 million (Refs. 12 and 13). Because of the numerous conservative assumptions used in calculating the exposure estimate, actual lifetime averaged individual exposure to EI is expected to be substantially less than the worst-case exposure, and therefore, the calculated upper-bound limit of risk would be less. Thus, the agency concludes that there is a reasonable certainty that no harm will result from the proposed use of the additive as a result of exposure to EI.

B. 1,2-Dichloroethane (DCE)

Again, using estimates of average intake of beer, FDA estimates the potential exposure to DCE to be 0.33 ng/person/day (Ref. 9). The agency used data from two bioassays sponsored by the National Cancer Institute to estimate risk; the bioassays showed that DCE is carcinogenic to mice and rats at multiple tissue sites (Ref. 6). Based on the potential exposure of 0.33 ng/person/day, FDA estimates that the upper-bound limit of individual lifetime risk from the potential exposure to DCE from the use of PEI is 6.4×10^{-11}, or less than 6.4 in 100 billion (Refs. 12 and 13). Because of the numerous conservative assumptions used in calculating this exposure estimate, actual lifetime averaged individual exposure to DCE is expected to be substantially less than the worst-case exposure, and therefore, the calculated upper-bound limit of risk would be less. Thus, the agency concludes that there is a reasonable certainty that no harm will result from the proposed use of PEI as a result of exposure to DCE.

C. Need for Specifications

The agency has also considered whether specifications are necessary to control the amount of EI and DCE impurities in PEI. The agency finds that specifications for PEI are necessary, and that the specifications in § 173.357(a)(2) should be retained. The PA does not require specifications for its use (Ref. 14) because it does not contain impurities that need to be controlled.

III. Conclusions

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of PA and PEI as fixing agents for the immobilization of glucoamylase enzyme preparations from *A. niger* used in the manufacture of beer is safe (Ref. 15). Based on this information, the agency has also concluded that the additives will function as intended. Therefore, § 173.357(a)(2) should be amended as set forth below.

FDA is also amending § 173.357(a)(2) to revise the division name and address listed in the regulation as a source of methods incorporated by reference. The change results from a reorganization of

the Center for Food Safety and Applied Nutrition announced in a final rule published in the Federal Register of April 1, 1993 (58 FR 17091).

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

In the notice of filing for this petition that published in the Federal Register of December 1, 1993, FDA gave interested parties an opportunity to submit comments on the petitioner's environmental assessment by January 3, 1994, to the Dockets Management Branch (address above). FDA received no comments in response to that notice.

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

V. Objections

Any person who will be adversely affected by this regulation may at any time on or before March 11, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

VI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Letter from McKenna & Cuneo to the Direct Additives Branch (HFS–217), amending the filing of Food Additive Petition No. 1A4288, February 2, 1994.

2. Memorandum from Wine and Beer Branch, Bureau of Alcohol, Tobacco, and Firearms to the Direct Additives Branch (HFS–217), regarding regulations for ''light'' beer, October 6, 1994.

3. Underkofler, L. A., R. R. Barton, and S. S. Rennert, ''Microbiological Process Report—Production of Microbial Enzymes and their Applications,'' *Applied Microbiology*, 6:212–221, 1958.

4. Beckhorn, E. J., M. D. Labbee, and L. A. Underkofler, ''Production and Use of Microbial Enzymes for Food Processing,'' *Journal of Agricultural Food Chemistry*, 13:30–34, 1965.

5. Memorandum from the Quantitative Risk Assessment Committee to the Office of Toxicological Sciences (HFS–100), concerning risk estimate for ethyleneimine, August 22, 1985.

6. Memorandum from the Cancer Assessment Committee, Color and Cosmetics Evaluation Branch (HFF–158) to Division of Food and Color Additives (HFF–330), Preliminary Risk Assessment on 1,2-Dichloroethane (DCE) Migrating from Food and Beverage Contact Paper, June 23, 1982.

7. Memorandum from Quantitative Risk Assessment Committee to the Office of Toxicological Sciences (HFF–100), Epichlorohydrin, 1,2-Dichloroethane, and 2,4-Toluenediamine in Reverse Osmosis Membranes (FAP 6B3955), February 2, 1988.

8. Memorandum from the Chemistry Review Branch (HFS–247) to the Direct Additives Branch (HFS–217), concerning letter dated October 20, 1993, and submission dated October 27, 1993, from McKenna & Cuneo, January 11, 1994.

9. Memorandum from the Chemistry Review Branch (HFS–247) to the Direct Additives Branch (HFS–217), Enzyme Bio-Systems Ltd., Submission of September 12, 1991; February 17, 1993.

10. Kokoski, C. J., ''Regulatory Food Additive Toxicology'', in *Chemical Safety Regulation and Compliance*, edited by Homburger, F. and J. K. Marquis, S. Karger, New York, NY, pp. 24–33, 1985.

11. Memorandum from the Additive Evaluation Branch (HFF–158) to the Direct Additives Branch (HFF–217), concerning evaluation of Food Additive Petition No. 1A4288, February 25, 1992.

12. Memorandum from the Chemistry Review Branch (HFS–247) to the Direct Additives Branch (HFS–217), Exposure estimate for QRAC evaluation, February 8, 1994.

13. Memorandum from the Direct Additives Branch (HFS–217) to the Quantitative Risk Assessment Committee (HFS–308), Estimation of the upper-bound lifetime risk for ethyleneimine (EI) and 1,2-dichlorethane (DCE) for uses requested in FAP 1A4288 (Enzyme Bio-Systems Ltd.), April 15, 1994.

14. Memorandum from the Chemistry Review Branch (HFS–247) to the Direct Additives Branch (HFS–217) concerning Food Additive Petition No. 1A4288, April 5, 1994.

15. Memorandum from the Additives Evaluation Branch No. 1 (HFS–226) to the Direct Additives Branch (HFS–217), final evaluation memorandum, May 31, 1994.

List of Subjects in 21 CFR Part 173

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 173 is amended as follows:

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

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

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Section 173.357 is amended in the table in paragraph (a)(2) under the headings ''Substances'' and ''Limitations'' by alphabetically adding a new entry for ''periodic acid'' and by revising the entry for ''polyethylenimine reaction product with 1,2-dichloroethane'' to read as follows:

§ 173.357 Materials used as fixing agents in the immobilization of enzyme preparations.

* * * * *

(a) * * *

(2) * * *

Substances	Limitations
* * * *	* * *
Periodic acid (CAS Reg. No. 10450–60–9).	
Polyethylenimine reaction product with 1,2-dichloroethane (CAS Reg.No. 68130–97–2) is the reaction product of homopolymerization of ethylenimine in aqueous hydrochloric acid at 100 °C and of cross-linking with 1,2-dichloroethane. The finished polymer has an average molecular weight of 50,000 to 70,000 as determined by gel permeation chromatography. The analytical method is entitled ''Methodology for Molecular Weight Detection of Polyethylenimine,'' which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS–215), 200 C St. SW., Washington, DC 20204, and may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.	May be used as a fixing material in the immobilization of glucoamylase enzyme preparations from *Aspergillus niger* for use in the manufacture of beer. May be used as a fixing material in the immobilization of: 1. Glucose isomerase enzyme preparations for use in the manufacture of high fructose corn syrup, in accordance with § 184.1372 of this chapter. 2. Glucoamylase enzyme preparations from *Aspergillus niger* for use in the manufacture of beer. Residual ethylenimine in the finished polyethylenimine polymer will be less than 1 part per million as determined by gas chromatography-mass spectrometry. The residual ethylenimine is determined by an analytical method entitled ''Methodology for Ethylenimine Detection in Polyethylenimine,'' which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Residual 1,2-dichloroethane in the finished polyethylenimine polymer will be less than 1 part per million as determined by gas chromatography. The residual 1,2-dichloroethane is determined by an analytical method entitled, ''Methodology for Ethylenedichloride Detection in Polyethylenimine,'' which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Division of Petition Control, Center for Food Safety and Applied Nutrition (HFS–215), 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

* * * * *

Dated: January 17, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–2747 Filed 2–8–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Parts 520, 522, and 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for SmithKline Animal Health Products, Division of SmithKline Beckman Corp. to SmithKline Beecham Animal Health due to a merger with Beecham Laboratories, Division of Beecham, Inc., and to reflect a change of sponsor for approved new drug applications (NADA's) previously held by SmithKline Beecham Animal Health to Pfizer, Inc.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Judith M. O'Haro, Center for Veterinary Medicine (HFV–238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1737.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 8, 1991 (56 FR 50652), the animal drug regulations were amended to reflect the change of sponsor name for SmithKline Animal Health Products, Division of SmithKline Beckman Corp. to SmithKline Beecham Animal Health due to a merger with Beecham Laboratories, Division of Beecham, Inc. The regulations were amended to reflect the change of sponsor for 28 new animal drug applications (NADA's) from Beecham Laboratories, Division of Beecham Inc., to SmithKline Beecham Animal Health, and the change of sponsor for 22 NADA's from Norden Laboratories, Inc., to SmithKline Beecham Animal Health also due to the merger. The new company was assigned a new sponsor labeler code. The amended regulations did not reflect SmithKline Beecham Animal Health as the new sponsor in §§ 558.58, 558.311, 558.355, and 558.625. The sponsor currently listed for these products is Pfizer, Inc. Accordingly, the agency is amending these sections to reflect the change of sponsor.

In the Federal Register of November 2, 1995 (60 FR 55657), FDA published a document that amended the animal drug regulations to reflect a change of sponsor for 62 NADA's from SmithKline Beecham Animal Health to Pfizer, Inc. FDA inadvertently amended the regulations in 21 CFR 520.2260a, 520.2260b, and 520.2260c to reflect Pfizer, Inc. as the sponsor. However, Solvay Animal Health remains the sponsor of these sulfamethazine containing applications. The codified sections that should have been amended are 520.2220a, 520.2220b, 520.2220c, 520.2220d, and 522.2220. In addition, the agency omitted an amendment to 21 CFR 520.45a(a)(2). Accordingly, the agency is amending these sections to reflect this change of sponsor.

List of Subjects

21 CFR Parts 520 and 522

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 522, and 558 are amended as follows:

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.45a [Amended]

2. Section 520.45a *Albendazole suspension* is amended in paragraph (a)(2) by removing ''053571'' and adding in its place ''000069''.

§ 520.2220a [Amended]

3. Section 520.2220a *Sulfadimethoxine oral solution and soluble powder* is amended in paragraph (b) by removing ''053571'' and adding in its place ''000069''.

§ 520.2220b [Amended]

4. Section 520.2220b *Sulfadimethoxine tablets and boluses* is amended in paragraph (b)(1) by removing ''053571'' and adding in its place ''000069''.

§ 520.2220c [Amended]

5. Section 520.2220c *Sulfadimethoxine oral suspension* is amended in paragraph (c) by removing ''053571'' and adding in its place ''000069''.

§ 520.2220d [Amended]

6. Section 520.2220d *Sulfadimethoxine-ormetoprim tablets* is amended in paragraph (b) by removing ''053571'' and adding in its place ''000069''.

§ 520.2260a [Amended]

7. Section 520.2260a *Sulfamethazine oblets and boluses* is amended in paragraph (b)(1) by removing ''000069'' and adding in its place ''053501''.

§ 520.2260b [Amended]

8. Section 520.2260b *Sulfamethazine sustained-release boluses* is amended in paragraph (b)(1) by removing ''000069'' and adding in its place ''053501''.

§ 520.2260c [Amended]

9. Section 520.2260c *Sulfamethazine sustained-release tablets* is amended in paragraph (a) by removing ''000069'' and adding in its place ''053501''.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

10. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Secs. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 522.2220 [Amended]

11. Section 522.2220 *Sulfadimethoxine injection* is amended in paragraph (a)(2)(i) by removing ''053571'' and adding in its place ''000069''.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

12. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512,701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.58 [Amended]

13. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1), in item (iii), in the entry for virginamycin,15, under the ''Limitations'' and the ''Sponsor'' columns by removing ''000007'' and adding in its place ''000069''.

§ 558.311 [Amended]

14. Section 558.311 *Lasalocid* is amended in paragraph (b)(2) by removing ''000007'' and adding in its place ''000069''.

§ 558.355 [Amended]

15. Section 558.355 *Monensin* is amended in paragraph (b)(5) by removing ''000007'' and adding in its place ''000069''.

§ 558.625 [Amended]

16. Section 558.625 *Tylosin* is amended in paragraph (b)(25) by removing ''000007'' and adding in its place ''000069''.

Dated: February 1, 1996.

Robert C. Livingston

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96–2846 Filed 2–8–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 86

[Docket No. FR–4009–F–01]

Elimination of Requirements Governing the Lobbying of HUD Personnel; Removal of 24 CFR Part 86

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule removes part 86 from title 24 of the Code of Federal Regulations. Part 86, which was promulgated to comply with section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b), established recordkeeping, reporting, and registration requirements governing attempts to influence HUD programs. It also placed limitations on the fees paid to consultants who are engaged to influence the award or allocation of the Department's financial assistance. Effective January 1, 1996, the Lobbying Disclosure Act of 1995 (Pub. L. 104–65, approved December 19, 1995) repealed the authority for part 86—section 13 of the Department of Housing and Urban Development Act. This rule conforms the Code of Federal Regulations to this repeal.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel, Ethics Law Division; Office of General Counsel; Room 2158; U.S. Department of Housing and Urban Development; 451 Seventh Street, SW., Washington, DC 20410–0500; telephone (202) 708–0836. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–0113, or 1–800–877–8399 (Federal Information Relay Service TDD). (Other than the ''800'' number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 112 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989) added a new section 13 to the Department of Housing and Urban Development Act, 42 U.S.C. 3531, *et seq*. Section 13 contained two principal features. The first established the standards under which:

—Persons that make expenditures to influence a HUD officer or employee in the award of financial assistance or the taking of a management action by the Department must keep records, and report to HUD, on the expenditures; and

—Persons that are engaged to influence a HUD officer or employee in the award of financial assistance or the taking of a management action by the Department must register with HUD, and report to HUD on their lobbying activities.

The second feature imposed limitations on the fees that may be paid to consultants who are engaged to influence the award or allocation of the Department's financial assistance.

The requirements of Section 13 are codified at 24 CFR part 86.

The Lobbying Disclosure Act of 1995 (Pub. L. 104–65, approved December 19, 1995) established government-wide lobbying procedures and requirements. Sections 11(b)(1) and 24(a) of the new law repealed section 13, effective January 1, 1996.

The purpose of this rule is to remove part 86 to conform the Code of Federal Regulations to the new statutory authority.

Justification for Final Rule

In accordance with 24 CFR part 10, it is the practice of the Department to offer interested parties the opportunity to comment on proposed regulations. However, this regulation relates to administrative procedures only and conforms the Code of Federal Regulations to existing law. The purpose of this rule is to remove part 86 to conform the Code of Federal Regulations to the new statutory authority. Therefore, the Department has determined that public comment is unnecessary and contrary to the public interest.

Other Matters

A. Environmental Impact

This final rule is categorically excluded from the NEPA requirements of HUD regulations at 24 CFR § 50.20(k), which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The rule involves internal administrative procedures whose content does not constitute a developmental decision nor affect the physical condition of project areas or building sites.

B. Regulatory Flexibility Act

The Secretary, in approving this rule for publication, certifies in accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act) that this rule would not have a significant impact on a substantial number of small entities. This is a procedural rule only, conforming the Code of Federal Regulations to existing law.

C. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this final rule is procedural only, and 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.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this final rule is procedural only, and does not have substantial, direct effects on States, on their political subdivisions, or on their relationship with the Federal government, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 24 CFR Part 86

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

Accordingly, under the authority of 42 U.S.C. 3535(d), part 86 is removed from title 24 of the Code of Federal Regulations.

Dated: February 2, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–2856 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8656]

RIN 1545–AS24

Section 6662—Imposition of the Accuracy-Related Penalty

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: These regulations provide guidance on the imposition of the accuracy related penalty under Internal Revenue Code section 6662(e) for net section 482 transfer price adjustments. This action implements changes to the applicable tax laws made by the Omnibus Budget Reconciliation Act of 1993.

DATES: These regulations are effective February 9, 1996.

Applicability: At the election of the taxpayer, these regulations may be applied to all open taxable years beginning after December 31, 1993.

FOR FURTHER INFORMATION CONTACT: Carolyn D. Fanaroff of the Office of Associate Chief Counsel (International), IRS (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in these final regulations have been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–1426. Responses to this collection of information are required by section 6662(e) of the Internal Revenue Code in order to administer the transfer pricing penalty under that section.

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.

The estimated average annual burden per recordkeeper varies from 5 to 15 hours, depending on individual circumstances, with an estimated average of 10 hours per recordkeeper.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224, and 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.

Books and records relating to this 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

Sections 6662(e) and (h) of the Internal Revenue Code reflect amendments made by Section 13236 of the Omnibus Budget Reconciliation Act of 1993 (OBRA '93, Public Law 103–66, 107 Stat. 312). On February 2, 1994, the IRS and Treasury published temporary regulations (59 FR 4791) and a notice of proposed rulemaking (58 FR 5263) setting forth rules for imposing a substantial valuation misstatement penalty in connection with transactions between persons described in section

482 (the transactional penalty) and net section 482 transfer price adjustments (the net adjustment penalty) and withdrawing previously proposed regulations issued on January 21, 1993 (58 FR 5304). On July 8, 1994, the IRS and Treasury issued new temporary regulations (59 FR 35030) under section 6662(e) conforming the previously-issued regulations to the final 482 regulations published on the same day. A cross-referenced notice of proposed rulemaking accompanied the temporary regulations (59 FR 35066).

The IRS and Treasury received numerous comments on the proposed and temporary regulations from taxpayers, practitioners, tax treaty partners, industry representatives, and professional associations. In general, most commenters recognized the government's interest in encouraging timely compliance with the arm's length standard at the time that a tax return is filed. These commenters primarily addressed particular aspects of the specified method rule in § 1.6662–6(d)(2)(ii) of the temporary regulations that they believed imposed an unnecessary burden.

In response to these comments, the IRS and Treasury have attempted to simplify the requirements set forth in the proposed and temporary regulations without departing from the basic objective of section 6662(e): to improve compliance with the arm's length standard by encouraging taxpayers to make reasonable efforts to determine and document arm's length prices for their intercompany transactions. The regulations are adopted as revised by this Treasury decision, and the corresponding proposed and temporary regulations are removed. Set forth below is a discussion of the most significant comments and the changes made in response to them.

Discussion of Major Comments and Changes to the Regulations

The Reasonableness Standard

Commenters expressed concern that the standard for assertion of the transactional penalty and the net adjustment penalty (together, the penalty) under the proposed and temporary regulations effectively makes the penalty a ''no fault'' penalty to be imposed in any case in which the statutory thresholds for imposition are met. Commenters suggested that, in all cases, a taxpayer could not have used the most reliable measure of an arm's length result if it subsequently is determined that the taxpayer's analysis was incorrect. Some of these commenters urged the IRS to impose the penalty only where a taxpayer deliberately attempts to shift income.

The IRS and Treasury have determined that it is not necessary to revise the proposed and temporary regulations in response to these comments. The proposed and temporary regulations do not adopt a ''no-fault'' approach. Like other penalty statutes, the provisions of section 6662(e) incorporate standards of reasonable cause and good faith. See section 6662(e)(3)(D) and section 6664(c). Accordingly, under both the temporary and final regulations, the penalty is excused if the taxpayer, based upon the data that was reasonably available to it, reasonably concluded that its analysis was the most reliable and satisfied the documentation requirement of the regulations. In such a case, the taxpayer may be subject to an adjustment if the IRS later employs a different analysis or uses different data leading to a different result, but an adjustment does not necessarily trigger the imposition of the penalty. The regulations provide guidance on the interpretation of the reasonableness standard. See § 1.6662–6(d).

Reported Results

In response to comments, the final regulations clarify the method of determining reported results, and what will be considered amended returns for taxpayers electing Accelerated Issue Resolution or similar procedures.

Evaluation of Methods Other Than the Method Actually Applied

Under § 1.6662–6T(d)(2)(ii) of the temporary regulations, taxpayers may satisfy the specified method requirement by selecting and applying a specified method in a reasonable manner. In order to meet this requirement, taxpayers must make a reasonable effort to evaluate the potential applicability of the other specified methods in a manner consistent with the principles of the best method rule of § 1.482–1(c). Some commenters argued that this requirement would be overly burdensome because it could mean that the taxpayer effectively must disprove all other methods in order to avoid imposition of the penalty. Others asserted that the requirement in § 1.6662–6T(d)(2)(ii) that taxpayers make a reasonable effort to evaluate other methods in a manner consistent with the principles of the best method rule was inconsistent with language contained in § 1.482–1(c)(1).

The notion of a comparison of methods is inherent in the best method rule of § 1.482–1(c)(1). In order to be judged the ''best'' method, the method to some extent must be compared to other methods. The examples set forth under § 1.482–8 illustrate an appropriate application of a comparative analysis. In introducing these examples, § 1.482–8 states that ''a method may be applied in a particular case only if the comparability, quality of data, and reliability of assumptions under that method make it more reliable than any other available measure of the arm's length result.''

The comparison to be done under the best method rule will not necessarily entail a thorough analysis under every potentially applicable method. The nature of the available data will often indicate either that a particular method should be the most reliable or that certain other specified methods would be clearly unreliable. Indeed, in some cases, it might be reasonable to conclude that a particular method is likely to be the most reliable with virtually no consideration of other potentially applicable methods. For example, if the comparable uncontrolled price method can be applied based upon a closely comparable uncontrolled transaction, it normally would be unnecessary to give any serious consideration to the other methods. Whether more extensive consideration could be needed in other cases will depend on the facts and circumstances.

Accordingly, the final regulations retain the notion that comparisons to other specified methods may have to be made and the extent of such comparisons may vary depending upon the data available and other factors.

Most Current Data Requirement

One of the factors taken into account in determining whether a taxpayer reasonably selected and applied a specified method is whether the taxpayer made a reasonable search for data. The proposed and temporary regulations provided that this factor would not be met unless the taxpayer used the most current data that was available prior to filing the tax return. Section 1.6662–6T(d)(2)(iii)(B).

Commenters expressed concern that this requirement would be unduly burdensome because it would require a taxpayer to continually update its transfer pricing analysis until the filing of its tax return. Commenters also argued that this rule could lead to an increased incidence of double taxation if particular foreign jurisdictions did not permit alterations to transactional prices either after the transaction or after the close of a taxable year.

In response to these comments, the requirement to consider the most

current available data has been modified. Under the final regulations, taxpayers are expected to use only data available before the end of the taxable year and consequently have no obligation to continue to search for data after the close of the taxable year to avoid the penalty. However, when a taxpayer obtains additional relevant data between the close of the year and the date on which the tax return is filed (for example, in connection with transfer pricing analyses conducted with respect to the subsequent taxable year), the final regulations require the taxpayer to include such data in its principal documents as provided in § 1.6662–6(d)(2)(iii)(B)(9). These documents must be provided to the IRS upon request. These changes are intended to relieve much of the burden on taxpayers and at the same time to ensure that, upon examination, the taxpayer provides the IRS with all relevant information in its possession.

Reasonably Thorough Search for Data

Commenters requested additional guidance regarding the scope of the term reasonably thorough search for data under § 1.6662– 6(d)(2)(ii)(B). The proposed and temporary regulations provide that, in determining whether a search for data was reasonably thorough, the expense of acquiring additional data may be weighed against the dollar amount of the transactions.

The IRS and Treasury have determined that more specific guidelines that would be applicable to all situations cannot be provided because the determination of whether a taxpayer engaged in a reasonable search for data depends on the facts and circumstances of each case. Therefore, the final regulations adhere to the general approach of the proposed and temporary regulations.

However, the final regulations provide a more precise statement of the rule that governs the determination of whether the taxpayer made a reasonable search for data. Section 1.6662-6(d)(2)(ii)(B) of the final regulations provides that taxpayers may weigh the expense a search for data against (i) the likelihood that they will find additional data that will improve the reliability of the results and (ii) the amount by which any new data would change the taxpayer's taxable income. Thus, a taxpayer that has located reliable data leading to an analysis that is unlikely to become more reliable if additional data were located would not need to continue a search. In addition, as the amount of taxable income potentially at stake declines (either because of low dollar amounts of the controlled transactions or because of low variability in results that are expected under the facts and circumstances), the need to continue to search for data also decreases.

Experience and Knowledge

Section 1.6662–6(d)(2)(ii)(A) provides that one of the factors taken into account in determining whether a taxpayer reasonably applied a specified method is the experience and knowledge of the taxpayer, including all members of the taxpayer's controlled group. Commenters objected to this factor because it is not limited to consideration of the experience and knowledge of the taxpayer. The purpose of this factor is to consider the experience and knowledge of all the parties that are likely to be involved in the pricing of the controlled transactions. If the scope of this factor were limited to the taxpayer participating in the controlled transaction, the experience and knowledge of related persons who may have had a role in determining intercompany prices of the taxpayer might not be taken into account. Accordingly, this factor has not been changed in the final regulations.

Thresholds for Application

The net adjustment penalty under section 6662(e)(1)(B)(ii) potentially applies if the net section 482 adjustment exceeds the lesser of $5 million or 10 percent of the taxpayer's gross receipts. Some commenters objected to the statutory $5 million threshold, pointing out that a relatively insignificant error could easily lead to a $5 million adjustment with respect to very large intercompany transactions. As a result, taxpayers that made reasonable efforts to determine an arm's length result might nonetheless be subject to penalty.

The $5 million threshold for imposition of the penalty is fixed by statute. However, § 1.6662–6(d)(2)(ii)(G) of the final regulations has been added to provide that the size of an adjustment in relation to the size of the controlled transaction is relevant to determining whether a taxpayer made a reasonable effort to apply a specified or unspecified method. Accordingly, the fact that a proposed adjustment is small in relation to the dollar amount of the controlled transaction to which it relates is relevant in determining if a taxpayer made a reasonable effort to apply a specified or unspecified method.

Reliance on Prior Analyses

Citing the preamble to the temporary regulations and the 1993 legislative history, some commenters requested that a pricing methodology that was approved by the IRS on audit or in connection with an Advanced Pricing Agreement (APA) be considered to satisfy the specified method requirement of the regulations. In response to this comment, § 1.6662–6(d)(2)(ii)(F) of the final regulations has been added to provide that whether a taxpayer relied on a methodology developed in connection with an APA or approved by the IRS pursuant to an audit is relevant to determining whether the taxpayer made a reasonable effort to apply a specified or unspecified method, as long as the taxpayer applied the agreed method reasonably and consistently with its prior application, and adjustments have been made for any material changes in the facts and circumstances since the original application of that method. Pursuant to § 1.6662–6(d)(3)(ii) (B) and (C), this factor is also relevant if the taxpayer employed an unspecified method.

Principal Documents

Section 1.6662–6(d)(2)(iii)(B) of the final regulations provides a list of principal documents that must be provided to the IRS within 30 days of a request. The proposed and temporary regulations set forth a contemporaneous documentation requirement pursuant to which all of these documents must have been in existence at the time that the taxpayer filed its tax return. In response to comments, several changes have been made to these provisions.

Under the final regulations, the contemporaneous documentation requirement does not apply to the summary of data acquired after the close of the taxable year or the general index of principal and background documents. Thus, these documents do not have to be prepared at the time the return is filed.

Several commenters argued that the requirement that the principal documents generally be provided within 30 days of a request is too short, but this requirement has not been changed in the final regulations because the statute mandates this 30-day disclosure period. Moreover, except for the two principal documents excluded from the contemporaneous documentation requirement, as described above, all principal documents are required to be prepared by the time the tax return is filed. The IRS and Treasury believe that 30 days should be adequate to provide documents that already exist and that were prepared with the intention of being provided to the IRS.

Other commenters suggested that the list of documents in § 1.6662–6(d)(2)(iii)(B) is too specific and that, in

some cases, it should not be necessary to provide all of the documents listed. Some of these commenters suggested that the list of documents be replaced with a more flexible approach under which the documents required would depend on the facts and circumstances.

The final regulations have not been changed in response to this comment. The list of principal documents is intended to provide the IRS with the documents necessary to conduct a complete examination of a taxpayer's transfer pricing. It is anticipated that all of the principal documents listed would be needed in connection with all transfer pricing audits. In addition, the suggested flexible approach would deprive taxpayers and the IRS of much-needed certainty. In the absence of the specific guidance provided by the regulations, most taxpayers would face uncertainty as to the appropriate scope of the documentation requirement.

Disclosure of Profit Split, Lump Sum, and Unspecified Methods

The proposed and temporary regulations require that the taxpayer disclose on its tax return if the taxpayer used a profit split method, an unspecified method, or transferred an intangible in exchange for a lump sum payment. Commenters expressed concern about this requirement, particularly with respect to the profit split method. They asserted that it is inappropriate to impose a penalty on a taxpayer that used a profit split method, solely because it failed to comply with disclosure requirements, if the taxpayer otherwise fully complied with the regulations under section 6662(e). In response to this comment, the final regulations eliminate the disclosure requirement with respect to the profit split method, lump sum payments, and unspecified methods. The IRS and Treasury believe that these matters are more appropriately addressed under section 6038 and section 6038A of the Internal Revenue Code governing, in part, information returns on Forms 5471 and 5472. The IRS intends to review these forms to determine whether they should be revised.

Effective Date

These regulations are effective February 9, 1996. However, taxpayers may elect to apply these regulations to all open taxable years beginning after December 31, 1993.

Special Analyses

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

Drafting Information

The principal author of these regulations is Carolyn D. Fanaroff of the Office of the Associate Chief Counsel (International), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority for part 1 is amended by removing the entry ''Sections 1.6662–0 and 1.6662–6T'' and adding an entry in numerical order to read as follows:

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

Section 1.6662–6 also issued under 26 U.S.C. 6662. * * *

Par. 2. Section 1.6662–0 is amended by:

1. Revising the entry for § 1.6662–5T.
2. Adding an entry for § 1.6662–6.
3. Removing the entry for § 1.6662–6T.

The revisions and additions read as follows:

§ 1.6662–0 Table of contents.

* * * * *

§ 1.6662–5T Substantial and gross valuation misstatements under chapter 1 (Temporary).

(a) through (e)(3) [Reserved].

(e)(4) Tests related to section 481.

(i) Substantial valuation statement.

(ii) Gross valuation misstatement.

(iii) Property.

(f) through (i) [Reserved].

(j) Transactions between persons described in section 482 and net section 482 transfer price adjustments.

§ 1.6662–6 Transactions between persons described in section 482 and net section 482 transfer price adjustments.

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(2) Coordination of net section 482 adjustment subject to the net adjustment penalty and substantial valuation misstatements subject to the transactional penalty.
(3) Examples.
(g) Effective date.

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Par. 3. Section 1.6662–5T is revised to read as follows:

§ 1.6662–5T Substantial and gross valuation misstatements under chapter 1 (Temporary).

(a) through (e)(3) [Reserved]. For further information, see § 1.6662–5(a) through (e)(3).

(e)(4) *Tests related to section 482*—(i) *Substantial valuation misstatement.* There is a substantial valuation

misstatement if there is a misstatement described in § 1.6662–6 (b)(1) or (c)(1) (concerning substantial valuation misstatements pertaining to transactions between related persons).

(ii) *Gross valuation misstatement.* There is a gross valuation misstatement if there is a misstatement described in § 1.6662–6 (b)(2) or (c)(2) (concerning gross valuation misstatements pertaining to transactions between related persons).

(iii) *Property.* For purposes of this section, the term *property* refers to both tangible and intangible property. Tangible property includes property such as land, buildings, fixtures and inventory. Intangible property includes property such as goodwill. Covenants not to compete, leaseholds, patents, contract rights, debts and choses in action, and any other item of intangible property described in § 1.482–4(b).

(f) through (h) [Reserved] For further information, see § 1.6662–5 (f) through (h).

(i) [Reserved].

(j) *Transactions between persons described in section 482 and net section 482 transfer price adjustments.* For rules relating to the penalty imposed with respect to a substantial or gross valuation misstatement arising from a section 482 allocation, see § 1.6662–6.

Par. 4. Section 1.6662–6 is added to read as follows:

§ 1.6662–6 Transactions between persons described in section 482 and net section 482 transfer price adjustments.

(a) *In general*—(1) *Purpose and scope.* Pursuant to section 6662(e) a penalty is imposed on any underpayment attributable to a substantial valuation misstatement pertaining to either a transaction between persons described in section 482 (the transactional penalty) or a net section 482 transfer price adjustment (the net adjustment penalty). The penalty is equal to 20 percent of the underpayment of tax attributable to that substantial valuation misstatement. Pursuant to section 6662(h) the penalty is increased to 40 percent of the underpayment in the case of a gross valuation misstatement with respect to either penalty. Paragraph (b) of this section provides specific rules related to the transactional penalty. Paragraph (c) of this section provides specific rules related to the net adjustment penalty, and paragraph (d) of this section describes amounts that will be excluded for purposes of calculating the net adjustment penalty. Paragraph (e) of this section sets forth special rules in the case of carrybacks and carryovers. Paragraph (f) of this section provides coordination rules between penalties. Paragraph (g) of this section provides the effective date of this section.

(2) *Reported results.* Whether an underpayment is attributable to a substantial or gross valuation misstatement must be determined from the results of controlled transactions that are reported on an income tax return, regardless of whether the amount reported differs from the transaction price initially reflected in the taxpayer's books and records. The results of controlled transactions that are reported on an amended return will be used only if the amended return is filed before the Internal Revenue Service has contacted the taxpayer regarding the corresponding original return. A written statement furnished by a taxpayer subject to the Coordinated Examination Program or a written statement furnished by the taxpayer when electing Accelerated Issue Resolution or similar procedures will be considered an amended return for purposes of this section if it satisfies either the requirements of a qualified amended return for purposes of § 1.6664–2(c)(3) or such requirements as the Commissioner may prescribe by revenue procedure. In the case of a taxpayer that is a member of a consolidated group, the rules of this paragraph (a)(2) apply to the consolidated income tax return of the group.

(3) *Identical terms used in the section 482 regulations.* For purposes of this section, the terms used in this section shall have the same meaning as identical terms used in regulations under section 482.

(b) *The transactional penalty*—(1) *Substantial valuation misstatement.* In the case of any transaction between related persons, there is a substantial valuation misstatement if the price for any property or services (or for the use of property) claimed on any return is 200 percent or more (or 50 percent or less) of the amount determined under section 482 to be the correct price.

(2) *Gross valuation misstatement.* In the case of any transaction between related persons, there is a gross valuation misstatement if the price for any property or services (or for the use of property) claimed on any return is 400 percent or more (or 25 percent or less) of the amount determined under section 482 to be the correct price.

(3) *Reasonable cause and good faith.* Pursuant to section 6664(c), the transactional penalty will not be imposed on any portion of an underpayment with respect to which the requirements of § 1.6664–4 are met. In applying the provisions of § 1.6664–4 in a case in which the taxpayer has relied on professional analysis in determining its transfer pricing, whether the professional is an employee of, or related to, the taxpayer is not determinative in evaluating whether the taxpayer reasonably relied in good faith on advice. A taxpayer that meets the requirements of paragraph (d) of this section with respect to an allocation under section 482 will be treated as having established that there was reasonable cause and good faith with respect to that item for purposes of § 1.6664–4. If a substantial or gross valuation misstatement under the transactional penalty also constitutes (or is part of) a substantial or gross valuation misstatement under the net adjustment penalty, then the rules of paragraph (d) of this section (and not the rules of § 1.6664–4) will be applied to determine whether the adjustment is excluded from calculation of the net section 482 adjustment.

(c) *Net adjustment penalty*—(1) *Net section 482 adjustment.* For purposes of this section, the term *net section 482 adjustment* means the sum of all increases in the taxable income of a taxpayer for a taxable year resulting from allocations under section 482 (determined without regard to any amount carried to such taxable year from another taxable year) less any decreases in taxable income attributable to collateral adjustments as described in § 1.482–1(g). For purposes of this section, amounts that meet the requirements of paragraph (d) of this section will be excluded from the calculation of the net section 482 adjustment. Substantial and gross valuation misstatements that are subject to the transactional penalty under paragraph (b) (1) or (2) of this section are included in determining the amount of the net section 482 adjustment. See paragraph (f) of this section for coordination rules between penalties.

(2) *Substantial valuation misstatement.* There is a substantial valuation misstatement if a net section 482 adjustment is greater than the lesser of 5 million dollars or ten percent of gross receipts.

(3) *Gross valuation misstatement.* There is a gross valuation misstatement if a net section 482 adjustment is greater than the lesser of 20 million dollars or twenty percent of gross receipts.

(4) *Setoff allocation rule.* If a taxpayer meets the requirements of paragraph (d) of this section with respect to some, but not all of the allocations made under section 482, then for purposes of determining the net section 482 adjustment, setoffs, as taken into account under § 1.482–1(g)(4), must be

applied ratably against all such allocations. The following example illustrates the principle of this paragraph (c)(4):

Example. (i) The Internal Revenue Service makes the following section 482 adjustments for the taxable year:

(1) Attributable to an increase in gross income because of an increase in royalty payments	$9,000,000
(2) Attributable to an increase in sales proceeds due to a decrease in the profit margin of a related buyer	6,000,000
(3) Because of a setoff under § 1.482–1(g)(4)	(5,000,000)
Total section 482 adjustments	10,000,000

(ii) The taxpayer meets the requirements of paragraph (d) with respect to adjustment number one, but not with respect to adjustment number two. The five million dollar setoff will be allocated ratably against the nine million dollar adjustment ($9,000,000/$15,000,000×$5,000,000=$3,000,000) and the six million dollar adjustment ($6,000,000/$15,000,000×$5,000,000=$2,000,000). Accordingly, in determining the net section 482 adjustment, the nine million dollar adjustment is reduced to six million dollars ($9,000,000–$3,000,000) and the six million dollar adjustment is reduced to four million dollars ($6,000,000–$2,000,000). Therefore, the net section 482 adjustment equals four million dollars.

(5) *Gross receipts.* For purposes of this section, gross receipts must be computed pursuant to the rules contained in § 1.448–1T(f)(2)(iv), as adjusted to reflect allocations under section 482.

(6) *Coordination with reasonable cause exception under section 6664(c).* Pursuant to section 6662(e)(3)(D), a taxpayer will be treated as having reasonable cause under section 6664(c) for any portion of an underpayment attributable to a net section 482 adjustment only if the taxpayer meets the requirements of paragraph (d) of this section with respect to that portion.

(7) *Examples.* The principles of this paragraph (c) are illustrated by the following examples:

Example 1. (i) The Internal Revenue Service makes the following section 482 adjustments for the taxable year:

(1) Attributable to an increase in gross income because of an increase in royalty payments	$2,000,000
(2) Attributable to an increase in sales proceeds due to a decrease in the profit margin of a related buyer	2,500,000
(3) Attributable to a decrease in the cost of goods sold because of a decrease in the cost plus mark-up of a related seller	2,000,000
Total section 482 adjustments	6,500,000

(ii) None of the adjustments are excluded under paragraph (d) of this section. The net section 482 adjustment ($6.5 million) is greater than five million dollars. Therefore, there is a substantial valuation misstatement.

Example 2. (i) The Internal Revenue Service makes the following section 482 adjustments for the taxable year:

(1) Attributable to an increase in gross income because of an increase in royalty payments	$11,000,000
(2) Attributable to an increase in sales proceeds due to a decrease in the profit margin of a related buyer	2,000,000
(3) Because of a setoff under § 1.482–1(g)(4)	(9,000,000)
Total section 482 adjustments	4,000,000

(ii) The taxpayer has gross receipts of sixty million dollars after taking into account all section 482 adjustments. None of the adjustments are excluded under paragraph (d) of this section. The net section 482 adjustment ($4 million) is less than the lesser of five million dollars or ten percent of gross receipts ($60 million×10%=$6 million). Therefore, there is no substantial valuation misstatement.

Example 3. (i) The Internal Revenue Service makes the following section 482 adjustments to the income of an affiliated group that files a consolidated return for the taxable year:

(1) Attributable to Member A	$1,500,000
(2) Attributable to Member B	1,000,000
(3) Attributable to Member C	2,000,000
Total section 482 adjustments	4,500,000

(ii) Members A, B, and C have gross receipts of 20 million dollars, 12 million dollars, and 11 million dollars, respectively. Thus, the total gross receipts are 43 million dollars. None of the adjustments are excluded under paragraph (d) of this section. The net section 482 adjustment ($4.5 million) is greater than the lesser of five million dollars or ten percent of gross receipts ($43 million × 10% = $4.3 million). Therefore, there is a substantial valuation misstatement.

Example 4. (i) The Internal Revenue Service makes the following section 482 adjustments to the income of an affiliated group that files a consolidated return for the taxable year:

(1) Attributable to Member A	$1,500,000
(2) Attributable to Member B	3,000,000
(3) Attributable to Member C	2,500,000
Total section 482 adjustments	7,000,000

(ii) Members A, B, and C have gross receipts of 20 million dollars, 35 million dollars, and 40 million dollars, respectively. Thus, the total gross receipts are 95 million dollars. None of the adjustments are excluded under paragraph (d) of this section. The net section 482 adjustment (7 million dollars) is greater than the lesser of five million dollars or ten percent of gross receipts ($95 million × 10% = $9.5 million). Therefore, there is a substantial valuation misstatement.

Example 5. (i) The Internal Revenue Service makes the following section 482 adjustments to the income of an affiliated group that files a consolidated return for the taxable year:

(1) Attributable to Member A	$2,000,000
(2) Attributable to Member B	1,000,000
(3) Attributable to Member C	1,500,000
Total section 482 adjustments	4,500,000

(ii) Members A, B, and C have gross receipts of 10 million dollars, 35 million dollars, and 40 million dollars, respectively. Thus, the total gross receipts are 85 million dollars. None of the adjustments are excluded under paragraph (d) of this section. The net section 482 adjustment ($4.5 million) is less than the lesser of five million dollars or ten percent of gross receipts ($85 million × 10%=$8.5 million). Therefore, there is no substantial valuation misstatement even though individual member A's adjustment ($2 million) is greater than ten percent of its individual gross receipts ($10 million × 10%=$1 million).

(d) *Amounts excluded from net section 482 adjustments*—(1) *In general.* An amount is excluded from the calculation of a net section 482 adjustment if the requirements of paragraph (d) (2), (3), or (4) of this section are met with respect to that amount.

(2) *Application of a specified section 482 method*—(i) *In general.* An amount is excluded from the calculation of a net section 482 adjustment if the taxpayer establishes that both the specified method and documentation requirements of this paragraph (d)(2) are met with respect to that amount. For purposes of this paragraph (d), a method will be considered a specified method if it is described in the regulations under section 482 and the method applies to transactions of the type under review. A qualified cost sharing arrangement is considered a specified method. See § 1.482–7. An unspecified method is not considered a specified method. See §§ 1.482–3(e) and 1.482–4(d).

(ii) *Specified method requirement.* The specified method requirement is met if the taxpayer selects and applies

a specified method in a reasonable manner. The taxpayer's selection and application of a specified method is reasonable only if, given the available data and the applicable pricing methods, the taxpayer reasonably concluded that the method (and its application of that method) provided the most reliable measure of an arm's length result under the principles of the best method rule of § 1.482–1(c). A taxpayer can reasonably conclude that a specified method provided the most reliable measure of an arm's length result only if it has made a reasonable effort to evaluate the potential applicability of the other specified methods in a manner consistent with the principles of the best method rule. The extent of this evaluation generally will depend on the nature of the available data, and it may vary from case to case and from method to method. This evaluation may not entail an exhaustive analysis or detailed application of each method. Rather, after a reasonably thorough search for relevant data, the taxpayer should consider which method would provide the most reliable measure of an arm's length result given that data. The nature of the available data may enable the taxpayer to conclude reasonably that a particular specified method provides a more reliable measure of an arm's length result than one or more of the other specified methods, and accordingly no further consideration of such other specified methods is needed. Further, it is not necessary for a taxpayer to conclude that the selected specified method provides a more reliable measure of an arm's length result than any unspecified method. For examples illustrating the selection of a specified method consistent with this paragraph (d)(2)(ii), see § 1.482–8. Whether the taxpayer's conclusion was reasonable must be determined from all the facts and circumstances. The factors relevant to this determination include the following:

(A) The experience and knowledge of the taxpayer, including all members of the taxpayer's controlled group.

(B) The extent to which reliable data was available and the data was analyzed in a reasonable manner. A taxpayer must engage in a reasonably thorough search for the data necessary to determine which method should be selected and how it should be applied. In determining the scope of a reasonably thorough search for data, the expense of additional efforts to locate new data may be weighed against the likelihood of finding additional data that would improve the reliability of the results and the amount by which any new data would change the taxpayer's taxable income. Furthermore, a taxpayer must use the most current reliable data that is available before the end of the taxable year in question. Although the taxpayer is not required to search for relevant data after the end of the taxable year, the taxpayer must maintain as a principal document described in paragraph (d)(2)(iii)(B)(*9*) of this section any relevant data it obtains after the end of the taxable year but before the return is filed, if that data would help determine whether the taxpayer has reported its true taxable income.

(C) The extent to which the taxpayer followed the relevant requirements set forth in regulations under section 482 with respect to the application of the method.

(D) The extent to which the taxpayer reasonably relied on a study or other analysis performed by a professional qualified to conduct such a study or analysis, including an attorney, accountant, or economist. Whether the professional is an employee of, or related to, the taxpayer is not determinative in evaluating the reliability of that study or analysis, as long as the study or analysis is objective, thorough, and well reasoned. Such reliance is reasonable only if the taxpayer disclosed to the professional all relevant information regarding the controlled transactions at issue. A study or analysis that was reasonably relied upon in a prior year may reasonably be relied upon in the current year if the relevant facts and circumstances have not changed or if the study or analysis has been appropriately modified to reflect any change in facts and circumstances.

(E) If the taxpayer attempted to determine an arm's length result by using more than one uncontrolled comparable, whether the taxpayer arbitrarily selected a result that corresponds to an extreme point in the range of results derived from the uncontrolled comparables. Such a result generally would not likely be closest to an arm's length result. If the uncontrolled comparables that the taxpayer uses to determine an arm's length result are described in § 1.482–1(e)(2)(ii)(B), one reasonable method of selecting a point in the range would be that provided in § 1.482–1(e)(3).

(F) The extent to which the taxpayer relied on a transfer pricing methodology developed and applied pursuant to an Advance Pricing Agreement for a prior taxable year, or specifically approved by the Internal Revenue Service pursuant to a transfer pricing audit of the transactions at issue for a prior taxable year, provided that the taxpayer applied the approved method reasonably and consistently with its prior application, and the facts and circumstances surrounding the use of the method have not materially changed since the time of the IRS's action, or if the facts and circumstances have changed in a way that materially affects the reliability of the results, the taxpayer makes appropriate adjustments to reflect such changes.

(G) The size of a net transfer pricing adjustment in relation to the size of the controlled transaction out of which the adjustment arose.

(iii) *Documentation requirement*—(A) *In general.* The documentation requirement of this paragraph (d)(2)(iii) is met if the taxpayer maintains sufficient documentation to establish that the taxpayer reasonably concluded that, given the available data and the applicable pricing methods, the method (and its application of that method) provided the most accurate measure of an arm's length result under the principles of the best method rule in § 1.482–1(c), and provides that documentation to the Internal Revenue Service within 30 days of a request for it in connection with an examination of the taxable year to which the documentation relates. With the exception of the documentation described in paragraphs (d)(2)(iii)(B) (*9*) and (*10*) of this section, that documentation must be in existence when the return is filed. The district director may, in his discretion, excuse a minor or inadvertent failure to provide required documents, but only if the taxpayer has made a good faith effort to comply, and the taxpayer promptly remedies the failure when it becomes known. The required documentation is divided into two categories, principal documents and background documents as described in paragraphs (d)(2)(iii) (B) and (C) of this section.

(B) *Principal documents.* The principal documents should accurately and completely describe the basic transfer pricing analysis conducted by the taxpayer. The documentation must include the following—

(*1*) An overview of the taxpayer's business, including an analysis of the economic and legal factors that affect the pricing of its property or services;

(*2*) A description of the taxpayer's organizational structure (including an organization chart) covering all related parties engaged in transactions potentially relevant under section 482, including foreign affiliates whose transactions directly or indirectly affect the pricing of property or services in the United States;

(*3*) Any documentation explicitly required by the regulations under section 482;

(*4*) A description of the method selected and an explanation of why that method was selected;

(*5*) A description of the alternative methods that were considered and an explanation of why they were not selected;

(*6*) A description of the controlled transactions (including the terms of sale) and any internal data used to analyze those transactions. For example, if a profit split method is applied, the documentation must include a schedule providing the total income, costs, and assets (with adjustments for different accounting practices and currencies) for each controlled taxpayer participating in the relevant business activity and detailing the allocations of such items to that activity;

(*7*) A description of the comparables that were used, how comparability was evaluated, and what (if any) adjustments were made;

(*8*) An explanation of the economic analysis and projections relied upon in developing the method. For example, if a profit split method is applied, the taxpayer must provide an explanation of the analysis undertaken to determine how the profits would be split;

(*9*) A description or summary of any relevant data that the taxpayer obtains after the end of the tax year and before filing a tax return, which would help determine if a taxpayer selected and applied a specified method in a reasonable manner; and

(*10*) A general index of the principal and background documents and a description of the recordkeeping system used for cataloging and accessing those documents.

(C) *Background documents.* The assumptions, conclusions, and positions contained in principal documents ordinarily will be based on, and supported by, additional background documents. Documents that support the principal documentation may include the documents listed in § 1.6038A–3(c) that are not otherwise described in paragraph (d)(2)(iii)(B) of this section. Every document listed in those regulations may not be relevant to pricing determinations under the taxpayer's specific facts and circumstances and, therefore, each of those documents need not be maintained in all circumstances. Moreover, other documents not listed in those regulations may be necessary to establish that the taxpayer's method was selected and applied in the way that provided the most accurate measure of an arm's length result under the principles of the best method rule in § 1.482–1(c). Background documents need not be provided to the Internal Revenue Service in response to a request for principal documents. If the Internal Revenue Service subsequently requests background documents, a taxpayer must provide that documentation to the Internal Revenue Service within 30 days of the request. However, the district director may, in his discretion, extend the period for producing the background documentation.

(3) *Application of an unspecified method*—(i) *In general.* An adjustment is excluded from the calculation of a net section 482 adjustment if the taxpayer establishes that both the unspecified method and documentation requirements of this paragraph (d)(3) are met with respect to that amount.

(ii) *Unspecified method requirement*—(A) *In general.* If a method other than a specified method was applied, the unspecified method requirement is met if the requirements of paragraph (d)(3)(ii) (B) or (C) of this section, as appropriate, are met.

(B) *Specified method potentially applicable.* If the transaction is of a type for which methods are specified in the regulations under section 482, then a taxpayer will be considered to have met the unspecified method requirement if the taxpayer reasonably concludes, given the available data, that none of the specified methods was likely to provide a reliable measure of an arm's length result, and that it selected and applied an unspecified method in a way that would likely provide a reliable measure of an arm's length result. A taxpayer can reasonably conclude that no specified method was likely to provide a reliable measure of an arm's length result only if it has made a reasonable effort to evaluate the potential applicability of the specified methods in a manner consistent with the principles of the best method rule. However, it is not necessary for a taxpayer to conclude that the selected method provides a more reliable measure of an arm's length result than any other unspecified method. Whether the taxpayer's conclusion was reasonable must be determined from all the facts and circumstances. The factors relevant to this conclusion include those set forth in paragraph (d)(2)(ii) of this section.

(C) *No specified method applicable.* If the transaction is of a type for which no methods are specified in the regulations under section 482, then a taxpayer will be considered to have met the unspecified method requirement if it selected and applied an unspecified method in a reasonable manner. For purposes of this paragraph (d)(3)(ii)(C), a taxpayer's selection and application is reasonable if the taxpayer reasonably concludes that the method (and its application of that method) provided the most reliable measure of an arm's length result under the principles of the best method rule in § 1.482–1(c). However, it is not necessary for a taxpayer to conclude that the selected method provides a more reliable measure of an arm's length result than any other unspecified method. Whether the taxpayer's conclusion was reasonable must be determined from all the facts and circumstances. The factors relevant to this conclusion include those set forth in paragraph (d)(2)(ii) of this section.

(iii) *Documentation requirement*—(A) *In general.* The documentation requirement of this paragraph (d)(3) is met if the taxpayer maintains sufficient documentation to establish that the unspecified method requirement of paragraph (d)(3)(ii) of this section is met and provides that documentation to the Internal Revenue Service within 30 days of a request for it. That documentation must be in existence when the return is filed. The district director may, in his discretion, excuse a minor or inadvertent failure to provide required documents, but only if the taxpayer has made a good faith effort to comply, and the taxpayer promptly remedies the failure when it becomes known.

(B) *Principal and background documents.* See paragraphs (d)(2)(iii) (B) and (C) of this section for rules regarding these two categories of required documentation.

(4) *Certain foreign to foreign transactions.* For purposes of calculating a net section 482 adjustment, any increase in taxable income resulting from an allocation under section 482 that is attributable to any controlled transaction solely between foreign corporations will be excluded unless the treatment of that transaction affects the determination of either corporation's income from sources within the United States or taxable income effectively connected with the conduct of a trade or business within the United States.

(5) *Special rule.* If the regular tax (as defined in section 55(c)) imposed on the taxpayer is determined by reference to an amount other than taxable income, that amount shall be treated as the taxable income of the taxpayer for purposes of section 6662(e)(3). Accordingly, for taxpayers whose regular tax is determined by reference to an amount other than taxable income, the increase in that amount resulting

from section 482 allocations is the taxpayer's net section 482 adjustment.

(6) *Examples.* The principles of this paragraph (d) are illustrated by the following examples:

Example 1. (i) The Internal Revenue Service makes the following section 482 adjustments for the taxable year:

(1) Attributable to an increase in gross income because of an increase in royalty payments	$9,000,000
(2) Not a 200 percent or 400 percent adjustment	2,000,000
(3) Attributable to a decrease in the cost of goods sold because of a decrease in the cost plus mark-up of a related seller	9,000,000
Total section 482 adjustments	20,000,000

(ii) The taxpayer has gross receipts of 75 million dollars after all section 482 adjustments. The taxpayer establishes that for adjustments number one and three, it applied a transfer pricing method specified in section 482, the selection and application of the method was reasonable, it documented the pricing analysis, and turned that documentation over to the IRS within 30 days of a request. Accordingly, eighteen million dollars is excluded from the calculation of the net section 482 adjustment. Because the net section 482 adjustment is two million dollars, there is no substantial valuation misstatement.

Example 2. (i) The Internal Revenue Service makes the following section 482 adjustments for the taxable year:

(1) Attributable to an increase in gross income because of an increase in royalty payments	$9,000,000
(2) Attributable to an adjustment that is 200 percent or more of the correct section 482 price	2,000,000
(3) Attributable to a decrease in the cost of goods sold because of a decrease in the cost plus mark-up of a related seller	9,000,000
Total section 482 adjustments	20,000,000

(ii) The taxpayer has gross receipts of 75 million dollars after all section 482 adjustments. The taxpayer establishes that for adjustments number one and three, it applied a transfer pricing method specified in section 482, the selection and application of the method was reasonable, it documented that analysis, and turned the documentation over to the IRS within 30 days. Accordingly, eighteen million dollars is excluded from the calculation of the section 482 transfer pricing adjustments for purposes of applying the five million dollar or 10% of gross receipts test. Because the net section 482 adjustment is only two million dollars, the taxpayer is not subject to the net adjustment penalty. However, the taxpayer may be subject to the transactional penalty on the underpayment of tax attributable to the two million dollar adjustment.

Example 3. CFC1 and CFC2 are controlled foreign corporations within the meaning of section 957. Applying section 482, the IRS disallows a deduction for 25 million dollars of the interest that CFC1 paid to CFC2, which results in CFC1's U.S. shareholder having a subpart F inclusion in excess of five million dollars. No other adjustments under section 482 are made with respect to the controlled taxpayers. However, the increase has no effect upon the determination of CFC1's or CFC2's income from sources within the United States or taxable income effectively connected with the conduct of a trade or business within the United States. Accordingly, there is no substantial valuation misstatement.

(e) *Special rules in the case of carrybacks and carryovers.* If there is a substantial or gross valuation misstatement for a taxable year that gives rise to a loss, deduction or credit that is carried to another taxable year, the transactional penalty and the net adjustment penalty will be imposed on any resulting underpayment of tax in that other taxable year. In determining whether there is a substantial or gross valuation misstatement for a taxable year, no amount carried from another taxable year shall be included. The following example illustrates the principle of this paragraph (e):

Example. The Internal Revenue Service makes a section 482 adjustment of six million dollars in taxable year 1, no portion of which is excluded under paragraph (d) of this section. The taxpayer's income tax return for year 1 reported a loss of three million dollars, which was carried to taxpayer's year 2 year income tax return and used to reduce income taxes otherwise due with respect to year 2. A determination is made that the six million dollar allocation constitutes a substantial valuation misstatement, and a penalty is imposed on the underpayment of tax in year 1 attributable to the substantial valuation misstatement and on the underpayment of tax in year 2 attributable to the disallowance of the net operating loss in year 2. For purposes of determining whether there is a substantial or gross valuation misstatement for year 2, the three million dollar reduction of the net operating loss will not be added to any section 482 adjustments made with respect to year 2.

(f) *Rules for coordinating between the transactional penalty and the net adjustment penalty*—(1) Coordination of a net section 482 adjustment subject to the net adjustment penalty and a gross valuation misstatement subject to the transactional penalty. In determining whether a net section 482 adjustment exceeds five million dollars or 10 percent of gross receipts, an adjustment attributable to a substantial or gross valuation misstatement that is subject to the transactional penalty will be taken into account. If the net section 482 adjustment exceeds five million dollars or ten percent of gross receipts, any portion of such amount that is attributable to a gross valuation misstatement will be subject to the transactional penalty at the forty percent rate, but will not also be subject to net adjustment penalty at a twenty percent rate. The remaining amount is subject to the net adjustment penalty at the twenty percent rate, even if such amount is less than the lesser of five million dollars or ten percent of gross receipts.

(2) *Coordination of net section 482 adjustment subject to the net adjustment penalty and substantial valuation misstatements subject to the transactional penalty.* If the net section 482 adjustment exceeds twenty million dollars or 20 percent of gross receipts, the entire amount of the adjustment is subject to the net adjustment penalty at a forty percent rate. No portion of the adjustment is subject to the transactional penalty at a twenty percent rate.

(3) *Examples.* The following examples illustrate the principles of this paragraph (f):

Example 1. (i) Applying section 482, the Internal Revenue Service makes the following adjustments for the taxable year:

(1) Attributable to an adjustment that is 400 percent or more of the correct section 482 arm's length result	$2,000,000
(2) Not a 200 or 400 percent adjustment	2,500,000
Total	4,500,000

(ii) The taxpayer has gross receipts of 75 million dollars after all section 482 adjustments. None of the adjustments is excluded under paragraph (d) (Amounts excluded from net section 482 adjustments) of this section, in determining the five million dollar or 10% of gross receipts test under section 6662(e)(1)(B)(ii). The net section 482 adjustment (4.5 million dollars) is less than the lesser of five million dollars or ten percent of gross receipts ($75 million × 10% = $7.5 million). Thus, there is no substantial valuation misstatement. However, the two million dollar adjustment is attributable to a gross valuation misstatement. Accordingly, the taxpayer may be subject to a penalty, under section 6662(h), equal to 40 percent of the underpayment of tax attributable to the gross valuation misstatement of two million dollars. The 2.5 million dollar adjustment is not subject to a penalty under section 6662(b)(3).

Example 2. The facts are the same as in *Example 1,* except the taxpayer has gross receipts of 40 million dollars. The net section 482 adjustment ($4.5 million) is greater than the lesser of five million dollars or ten percent of gross receipts ($40 million × 10%

= $4 million). Thus, the five million dollar or 10% of gross receipts test has been met. The two million dollar adjustment is attributable to a gross valuation misstatement. Accordingly, the taxpayer is subject to a penalty, under section 6662(h), equal to 40 percent of the underpayment of tax attributable to the gross valuation misstatement of two million dollars. The 2.5 million dollar adjustment is subject to a penalty under sections 6662(a) and 6662(b)(3), equal to 20 percent of the underpayment of tax attributable to the substantial valuation misstatement.

Example 3. (i) Applying section 482, the Internal Revenue Service makes the following transfer pricing adjustments for the taxable year:

(1) Attributable to an adjustment that is 400 percent or more of the correct section 482 arm's length result	$6,000,000
(2) Not a 200 or 400 percent adjustment	15,000,000
Total	21,000,000

(ii) None of the adjustments are excluded under paragraph (d) (Amounts excluded from net section 482 adjustments) in determining the twenty million dollar or 20% of gross receipts test under section 6662(h). The net section 482 adjustment (21 million dollars) is greater than twenty million dollars and thus constitutes a gross valuation misstatement. Accordingly, the total adjustment is subject to the net adjustment penalty equal to 40 percent of the underpayment of tax attributable to the 21 million dollar gross valuation misstatement. The six million dollar adjustment will not be separately included for purposes of any additional penalty under section 6662.

(g) *Effective date.* This section is effective February 9, 1996. However, taxpayers may elect to apply this section to all open taxable years beginning after December 31, 1993.

§ 1.6662–6T [Removed]

Par. 5. Section 1.6662–6T is removed.

Par. 6a. In § 1.6664–0, the introductory text is amended by removing the reference ''1.6664–4'' and adding ''1.6664–4T'' in its place.

Par. 6b. Section 1.6664–4T is revised to read as follows:

§ 1.6664–4T Reasonable cause and good faith exception to section 6662 penalties.

(a) through (e) [Reserved].

(f) *Transactions between persons described in section 482 and net section 482 transfer price adjustments.* For purposes of applying the reasonable cause and good faith exception of section 6664(c) to net section 482 adjustments, the rules of § 1.6662–6(d) apply. A taxpayer that does not satisfy the rules of § 1.6662–6(d) for a net section 482 adjustment cannot satisfy the reasonable cause and good faith exception under section 6664(c). The rules of this section apply to underpayments subject to the transactional penalty in § 1.6662–6(b). If the standards of the net section 482 penalty exclusion provisions under § 1.6662–6(d) are met with respect to such underpayments, then the taxpayer will be considered to have acted with reasonable cause and good faith for purposes of this section.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 7. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 8. In § 602.101, paragraph (c) is amended by removing the entry for § 1.6662–6T from the table and adding an entry in numerical order to the table to read ''1.6662–6....1545–1426''.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

Approved: January 19, 1996.

Leslie Samuels,

Assistant Secretary of the Treasury.

[FR Doc. 96–2171 Filed 2–8–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 290

[DCAA Regulation 5410.8]

Defense Contract Audit Agency (DCAA), Freedom of Information Act Program

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This amendment changes the area code listed for the DCAA Eastern Regional Office from (404) to (770) due to area code changes made by AT&T for the Smyrna, Georgia area.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall, DCAA Information and Privacy Advisor, ATTN: CMR, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219, Telephone: (703) 767–1244.

List of Subjects in 32 CFR Part 290

Freedom of Information.

Accordingly 32 CFR Part 290 is amended as follows:

PART 290—[AMENDED]

1. The authority citation for Part 290 continues to read as follows:

Authority: 5 U.S.C. 552.

Appendix B to Part 290—[Amended]

2. In Appendix B to Part 290, under the heading for Georgia, DCAA Eastern Regional Office, remove, ''(404)'' and add ''(770).''

Dated: February 1, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–2756 Filed 2–8–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11–96–001]

RIN 2115–AE46

Special Local Regulations: Newport to Ensenada Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements 33 CFR 100.1101, ''Southern California marine events,'' for the Newport to Ensenada Race. This event consists of a sailboat race with 400–500 participants. These regulations will be effective in the portion of the Pacific Ocean off Newport, California. Implementation of section 33 CFR 100.1101 is necessary to control vessel traffic in the regulated area for the start of the race only to ensure the safety of participants and spectators.

EFFECTIVE DATE: 33 CFR 100.1101 is effective from 12 noon on 26 April 1996, and terminates at 3 PM 26 April 1996, unless cancelled earlier by the Patrol Commander.

FOR FURTHER INFORMATION CONTACT: QMC D.K. Larson, U.S. Coast Guard Marine Safety Office/Group Los Angeles/Long Beach, California; Tel: (310) 980–4442.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are QMC D.K. Larson, Coast Guard Marine Safety Office/Group Los Angeles/Long Beach, Project Officer, and LT A.K. Abbott, Eleventh Coast Guard District Legal Office, Project Attorney.

Discussion of Notice

The Newport to Ensenada Race is scheduled to occur on 26 April 1996. These Special Local Regulations permit Coast Guard control of vessel traffic in

order to ensure the safety of spectators and participant vessels. In accordance with the regulations in 33 CFR 100.1101, persons and vessels shall not anchor in or loiter in the regulated area, or impede the transit of participant or official patrol vessels, unless authorized by the Coast Guard Patrol Commander.

Dated: February 5, 1996.

R.A. Appelbaum,

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

[FR Doc. 96–2763 Filed 2–8–96; 8:45 a.m.]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD08–95–024]

RIN 2115–AE47

Drawbridge Operation Regulations; Red River, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule revokes the regulation for the Fulton St. Bridge across the Red River, mile 88.1 at Alexandria, Rapides Parish, Louisiana because the vertical lift span has been removed.

EFFECTIVE DATE: This regulation becomes effective on March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Frank, Bridge Administration Branch, (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. David Frank, Project Officer and Lieutenant Commander C.D. Michel, Project Attorney.

Background and Purpose

The Fulton St. Bridge was removed from service and demolished on September 18, 1995. Since there is no longer a drawbridge at this location, there is no longer a need for the drawbridge operation regulation. Notice and public procedure have been omitted from this action because the vertical lift bridge is no longer in existence.

Regulatory Evaluation

This rule is not major under Executive Order 12291 and not significant under the ''Department of Transportation Regulatory Policies and Procedures'' (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 is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). This rule will have little impact on either vehicular or navigational traffic. Because it expects the impact of this final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that it will not have a significant economic impact on a substantial number of small entities.

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 section 2.B.2 of Commandant Instruction M16475.1 (series), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.491 [Amended]

2. In § 117.491, paragraph (a)(2) is removed and (a)(3) and (a)(4) are redesignated (a)(2) and (a)(3), respectively.

Dated: January 8, 1996.

R.C. North,

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

[FR Doc. 96–2761 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD08–95–017]

RIN 2115–AE47

Drawbridge Operation Regulation; Sabine River, LA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Kansas City Southern Railroad Company (KCSRR), the Coast Guard is changing the regulation governing the operation of the swing span bridge across the Sabine River, mile 36.2, near Ruliff, Texas, by permitting the draw to remain closed to navigation at all times.

EFFECTIVE DATE: This rule is effective on March 11, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the Eighth Coast Guard District Office, 501 Magazine Street, Room 1313, New Orleans, Louisiana 70130–3396, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–2965.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, Eighth Coast Guard District, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. John Wachter, Project Manager, Bridge Administration Branch, and LCDR Thomas D. Beistle Project Attorney.

Regulatory History

On September 5, 1995, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Sabine River, LA in the Federal Register (60 FR 46069). The Coast Guard received two letters of no objection to the proposal. No public hearing was requested, and none was held.

Background and Purpose

KCSRR requested that the draw remain permanently closed. Navigation requiring openings is non-existent and

the bridge has not been opened for twenty years. There is no commercial navigation on the waterway in the vicinity of the bridge crossing. Vertical clearance of the bridge in the closed position is 4 feet above mean high water and 18 feet above mean low water. The occasional small recreational boat which uses the waterway can transit the bridge without requiring an opening. Permitting the permanent closure of the draw will result in a significant savings in maintenance costs with no adverse effect on navigational traffic.

Discussion of Comments

The National Marine Fisheries Service and Louisiana Department of Natural Resources offered no objection to the proposed rule change.

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 cost and benefits under section 6(a)(3) of that order. It has been exempted from review 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).

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rulemaking 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 section 2.B.2 of Commandant Instruction M16475.1 (series), this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. § 117.493 is revised to read as follows:

§ 117.493 Sabine river.

(a) The draw of the Southern Pacific railroad bridge, mile 19.3 near Echo shall open on signal if at least 24 hours notice is given.

(b) The Kansas City Southern railroad bridge, mile 36.2 near Ruliff and the draw of the S12 bridge, mile 40.8 at Starks, need not be opened for passage of vessels.

Dated: January 25, 1996.

R.C. North,

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

[FR Doc. 96–2762 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 102–13–7212a; FRL–5398–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP) for ozone which concern the control of oxides of nitrogen (NO_X) emissions from boilers, steam generators, and process heaters. The intended effect of approving these rules is to regulate emissions of NO_X in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on April 9, 1996 unless adverse or critical comments are received by March 11, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

Ventura County Air Pollution Control District, Rule Development Section, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Duane F. James, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191, e-mail: james.duane@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Rule 411, ''Boiler NO_X,'' the San Diego County Air Pollution Control District's (SDCAPCD) Rule 69.2, ''Industrial and Commercial Boilers, Process Heaters and Steam Generators,'' the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) Rule 4352, ''Solid Fuel Fired Boilers, Steam Generators and Process Heaters,'' and the Ventura County Air Pollution Control District's (VCAPCD) Rule 74.15, ''Boilers, Steam Generators and Process Heaters.'' These rules were submitted by the California Air Resources Board (ARB) to EPA on September 28, 1994 (Rule 4352), October 19, 1994 (Rule 69.2), January 24, 1995 (Rule 74.15), and June 16, 1995 (Rule 411).

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_X emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a Notice of Proposed Rulemaking (NPRM) entitled, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement) which describes the requirements of section 182(f). The NO_X Supplement should be referred to for further information on the NO_X requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_X (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Sacramento County portion of the Sacramento Metro Area is classified as severe, the San Diego County Area and the San Joaquin Valley Area are classified as serious, and the Ventura County Area is classified as severe;[1] therefore these areas were subject to section 182(f), the RACT requirements of section 182(b)(2), cited below, and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_X CTGs issued before enactment and EPA has not issued a CTG document for any NO_X sources since enactment of the CAA. The RACT rules covering NO_X sources and submitted as SIP revisions are expected to require final installation of the actual NO_X controls by May 31, 1995, for those sources where installation by that date is practicable.

The SMAQMD adopted Rule 411 on February 2, 1995; the SDCAPCD adopted Rule 69.2 on September 27, 1994; the SJVUAPCD adopted Rule 4352 on September 14, 1994; and the VCAPCD adopted Rule 74.15 on November 8, 1994. These submitted rules were found to be complete on October 21, 1994 (Rules 69.2, and 4352), February 24, 1995 (Rule 74.15), and June 30, 1995 (Rule 411) pursuant of EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V[2] and are being proposed for approval into the SIP.

NO_X emissions contribute to the production of ground level ozone and smog. SMAQMD's Rule 411, SDCAPCD's Rule 69.2, and VCAPCD's Rule 74.15 control NO_X emissions from boilers, steam generators, and process heaters that are fired on gaseous and liquid fuels; SJVUAPCD's Rule 4352 applies to solid-fuel fired boilers, steam generators, and process heaters. The rules were adopted as part of the districts' efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting state and local agencies in developing NO_X RACT rules, EPA prepared the NO_X supplement to the General Preamble, cited above (57 FR 55620). In the NO_X supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA is issuing alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO_X. The ACT documents will provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs will not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules are fully enforceable and strengthen or maintain the SIP.

The California ARB has published a RACT/BARCT guidance document for boilers, steam generators, and process heaters entitled, ''Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology for Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters'' (July 18, 1991). The guidance document defines RACT as an emission limit of 70 parts per million volume (ppmv) at 3% O_2 when firing on gaseous fuels and 115 ppmv at 3% O_2 when firing on liquid fuels. BARCT is defined as an emission limit of 30 ppmv at 3% O_2 when firing

[1] The San Joaquin Valley and Ventura County Areas retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995). The San Diego Area was reclassified from severe to serious on February 21, 1995. See 60 FR 3771 (January 19, 1995).

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988).

on gaseous fuels and 40 ppmv at 3% O_2 when firing on liquid fuels. The SMAQMD's Rule 411 and the SDCAPCD's Rule 69.2 required RACT control by May 31, 1995, and require BARCT by May 31, 1997. The SJVUAPCD's Rule 4352 applies to units firing on solid fuel, which the RACT/BARCT document does not address. However, the rule's emission limit of 0.20 lb/MMBtu (with exceptions) appears to be reasonable because it is the same as the RACT/BARCT document's limit for firing on liquid fuels other than fuel oil #1 and #2. Final compliance with the rule was required by May 31, 1995. The VCAPCD's Rule 74.15 has an emission limit of 40 ppmv at 3% O_2 for firing on gaseous fuels, and final compliance was required by March 1, 1992; firing on liquid fuels is prohibited except only in emergencies. All the rules contain adequate recordkeeping requirements, and the appropriate test methods for compliance determinations are referenced. The exemptions provided in the rules are consistent with EPA guidelines. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Documents (TSDs) for these rules, dated September 18, 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, SMAQMD Rule 411, ''Boiler NO_X,'' SDCAPCD Rule 69.2, ''Industrial and Commercial Boilers, Process Heaters and Steam Generators,'' SJVUAPCD Rule 4352, ''Solid Fuel Fired Boilers, Steam Generators and Process Heaters,'' and VCAPCD Rule 74.15, ''Boilers, Steam Generators and Process Heaters,'' are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.[4]

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective April 9, 1996, unless, by March 11, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 9, 1996.

Regulatory Flexibility

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

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 Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Dated: November 21, 1995.

Felicia Marcus,

Regional Administrator.

Subpart F of part 52, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

[4] The SJVUAPCD's Rule 4352 references the district's Rules 2201 and 1020 in sections 3.7 and 3.12 respectively; the VCAPCD's Rule 74.15 references the district's Rule 32 in section (C)(3). Rules 2201, 1020, and 32 have not been approved by EPA for inclusion into the SIP. Therefore, this direct final rule does not constitute action on or approval of these rules into the SIP.

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(199) (i)(D), (202)(i)(C)(*3*), (214)(i)(D), and (222)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(199) * * *

(i) * * *

(D) San Joaquin Valley Unified Air Pollution Control District.

(*1*) Rule 4352, adopted on September 14, 1994.

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(202) * * *

(i) * * *

(C) * * *

(*3*) Rule 69.2, adopted on September 27, 1994.

* * * * *

(214) * * *

(i) * * *

(D) Ventura County Air Pollution Control District.

(*1*) Rule 74.15, adopted on November 8, 1994.

* * * * *

(222) * * *

(i) * * *

(C) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 411, adopted on February 2, 1995.

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[FR Doc. 96–2824 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA 71–9–7222a; FRL–5399–1]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the Monterey Bay Unified Air Pollution Control District (MBUAPCD). This approval action will incorporate two rules into the federally approved SIP and remove one rule from the SIP. The revised rules control VOC emissions from oil water separators, and the use of architectural coatings. The rule to be removed controls emissions from rubber tire manufacturing.

The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on this rule serves as a final determination that the finding of nonsubmittal for these two rules has been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on April 9, 1996 unless adverse or critical comments are received by March 11, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 92123–1095.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: MBUAPCD 420, Effluent Oil Water Separators; and MBUAPCD 426, Architectural Coatings. The rule being removed from the SIP is MBUAPCD Rule 428, Manufacture of Rubber Tires. These rules were submitted by the California Air Resources Board to EPA on November 18, 1993.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in l977 (1977 Act or pre-amended Act), that included the Monterey Bay Area. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above district's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(b)(2) of the CAA, Congress statutorily required nonattainment areas to submit reasonably available control technology (RACT) rules for specific VOC sources by November 15, 1992 (the RACT ''catchup'' requirement).

At the time of enactment of the CAA amendments, the Monterey Bay Area was classified as moderate [1]; therefore, this area was subject to the RACT catch-up requirement and the November 15, 1992 deadline.[2]

The State of California submitted many revised RACT rules for incorporation into its SIP on November 18, 1993, including two of the rules being acted on in this notice. This notice addresses EPA's direct-final action for MBUAPCD Rule 420, Effluent Oil Water Separators; and Rule 426, Architectural Coatings. These submitted rules were found to be complete on December 27, 1993 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 appendix V [3] and are being finalized for approval into the SIP. This notice also addresses the State of California's request that Rule 428,

[1] Monterey Bay Area retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

[2] California did not make the required SIP submittal by November 15, 1992. On June 8, 1993, the EPA made a finding of failure to make a submittal pursuant to section 179(a)(1) which started an 18-month sanction clock. Two of the rules being acted on in this direct final rule were submitted in response to the EPA finding of failure to submit.

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

Manufacture of Rubber Tires, be removed from the SIP.

Rule 420 controls emissions from oil water separators at oil fields and petroleum refineries; Rule 426 limits the emissions of VOCs resulting from the use of architectural coatings; and rescinded Rule 428 controls emissions from the manufacture of rubber tires. VOCs contribute to the production of ground level ozone and smog. These rules were originally adopted as part of MBUAPCD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to section 182(b)(a). The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents.[4] Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''catch-up'' their RACT rules. See section 182(b)(2). The CTG applicable to Rule 420 is entitled, ''Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds,'' EPA–450/2–77–025. Rule 426 has no applicable CTG, but was evaluated for consistency with the State of California's ''Suggested Control Measure for Architectural Coatings,'' July 1989. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 4. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

MBUAPCD's submitted Rule 420, Effluent Oil Water Separators, includes the following significant changes from the current SIP:

- Test methods were added to determine compliance;
- Recordkeeping requirements were added; and
- Air Pollution Control Officer discretion for alternative control measures was deleted from the rule.

MBUAPCD' submitted Rule 426, Architectural Coatings, includes the following significant changes from the current SIP:

- Clearly defines the purpose and applicability of the rule;
- Expresses VOC content limitations in ''grams of VOC per liter of coating, excluding any water, exempt organic compounds, and colorant added to tint bases'';
- Reduces the VOC content limit for non-flat coatings;
- Removes small business exemption;
- Adds, updates, and clarifies definitions; and
- Specifies test methods to be used for determining compliance.

MBUAPCD's Rule 428, Manufacture of Rubber Tires, was submitted to be removed from the SIP. This was a source-specific rule since no other such facilities existed at the time the rule was adopted. This facility has since shut down. No emission reductions are achieved or claimed from the control of rubber tire manufacturing within MBUAPCD's ozone attainment plan. The removal of Rule 428 meets the requirements of EPA's policy and removes an extraneous rule that serves no purpose.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, MBUAPCD Rule 420, Effluent Oil Water Separators and MBUAPCD Rule 426, Architectural Coatings, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. Furthermore, EPA is removing applicable Rule 428 consistent with the requirements of sections 110(l) and 193.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 9, 1996, unless, by March 11, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 9, 1996.

Regulatory Process

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 sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.,* 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

[4] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

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 Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this direct final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 10, 1995.

Felicia Marcus,

Regional Administrator.

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

PART 52—[AMENDED]

Subpart F—California

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.220 is amended by adding paragraphs (c)(194)(i)(F) (*3*) and (*4*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(194) * * *

(i) * * *

(F) * * *

(*3*) Rule 420 and Rule 426, adopted on August 25, 1993.

(*4*) Previously submitted to EPA on February 6, 1975 and approved in the Federal Register on July 13, 1987 and now removed without replacement, Rule 428.

[FR Doc. 96–2820 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CA 79–4–7252a; FRL–5398–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District, San Diego County Air Pollution Control District, and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the following districts: Monterey Bay Unified Air Pollution Control District (MBUAPCD), San Diego County Air Pollution Control District (SDCAPCD), and Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from gasoline storage and transfer and bakery ovens. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on April 9, 1996 unless adverse or critical comments are received by March 11, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 92123–1095.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B–23, Goleta, CA 93117.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, CA 92123.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: Monterey Bay Unified Air Pollution Control District (MBUAPCD) Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks; San Diego County Air Pollution Control District (SDCAPCD) Rule 67.24, Bakery Ovens; and Santa Barbara County Air Pollution Control District (SBCAPCD) Rule 316, Storage and Transfer of Gasoline. These rules were submitted by the California Air Resources Board to EPA on December 22, 1994, June 16, 1995 and March 29, 1994, respectively.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Monterey Bay, San Diego County, and

Santa Barbara County areas. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. In amended section 182(b)(2)(C) of the CAA, Congress statutorily required nonattainment areas to submit RACT rules for all major sources of VOCs by November 15, 1992 (the RACT ''catch-up'' requirement).

Section 182(a)(2) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Monterey Bay and Santa Barbara County areas are classified as moderate and the San Diego County area is classified as serious.[2] The Monterey Bay and Santa Barbara County areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline. The San Diego County Area was subject to the RACT catch-up requirements and the November 15, 1992 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on March 29, 1994, December 22, 1994, and June 16, 1995, including the rules being acted on in this document. This document addresses EPA's direct-final action for MBUAPCD Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks; SDCAPCD Rule 67.24, Bakery Ovens, and SBCAPCD Rule 316, Storage and Transfer of Gasoline. MBUAPCD adopted Rule 1002 on November 23, 1994; SDCAPCD adopted Rule 67.24 on March 7, 1995; and SBCAPCD adopted Rule 316 on December 14, 1994. These submitted rules were found to be complete on January 3, 1995, June 23, 1995, and June 3, 1994, respectively, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[3] and is being finalized for approval into the SIP.

MBUAPCD Rule 1002 controls emissions from gasoline dispensing facilities; SDCAPCD Rule 67.24 controls emissions from bakery ovens; and SBCAPCD Rule 316 controls emissions from the storage and transfer of gasoline. VOCs contribute to the production of ground level ozone and smog. This rule was originally adopted as part of MBUAPCD, SDCAPCD, and SBCAPCD's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for this rule.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to ''fix-up'' and ''catch-up'' their RACT rules. See section 182(a)(2)(A) and section (b)(2)(C). For some categories such as bakery ovens or storage, transfer and dispensing of gasoline, EPA did not publish a CTG. In such cases, the District may determine what controls are required by reviewing the operation of facilities subject to the regulation and evaluating regulations for similar sources in other areas. Additional guidance for SDCAPCD Rule 67.25, Bakery Ovens, is found in the document entitled, ''Alternative Control Technology Documents for Bakery Oven Emissions,'' EPA 453/R–92–017. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

MBUAPCD submitted Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks, is a new rule to be included in the SIP, although it has been enforced in the District since 1989. Rule 1002 includes the following general requirements:

- All gas stations are required to install Phase II vapor recovery equipment.
- Gas stations with throughputs ≥ 120,000 gal./yr. are required to install Phase II vapor recovery equipment by 1991.
- The remaining gas stations with throughputs ≤ 120,000 gal./yr. are required to install Phase II vapor recovery equipment by December 22, 1998.

For a detailed evaluation of MBUAPCD Rule 1002, please refer to the technical support document (TSD) prepared on October 20, 1995.

On December 8, 1994, EPA proposed approval of SDCAPCD Rule 67.24, Bakery Ovens, (59 FR 92388). After that proposal, the San Diego County Area was reclassified from a severe to serious ozone non-attainment area. The SDCAPCD asked EPA to delay final action on Rule 67.24 until the following administrative revisions were made to reflect this reclassification:

- The standards and compliance schedule sections of the rule do not apply to sources where the uncontrolled emissions of VOCs from all bakery ovens combined is less than 50 tons per calendar year.
- The emissions testing requirement and the compliance schedule have been deleted because the District's

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] Monterey Bay and Santa Barbara County areas have retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The San Diego area was reclassified from severe to serious on February 21, 1995. See 60 FR 3771 (January 19, 1995)

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

calculations indicate that the two largest bakeries in the county emit less than 50 tons of VOCs per year.

For a detailed evaluation of SDCAPCD Rule 67.24, please refer to the TSD dated October 20, 1995, and the notice of proposed rulemaking dated December 8, 1994.

SBCAPCD Rule 316, Storage and Transfer of Gasoline, includes the following significant change from the current SIP:

- Cross references rule 326 (Storage of Reactive Organic Compound Liquids) in the section that specifies the controls required for above-ground tanks larger than 40,000.

For a detailed evaluation of SBCAPCD Rule 316, please refer the TSD dated October 23, 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, MBUAPCD, Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks; SDCAPCD Rule 67.24, Bakery Ovens; and SBCAPCD Rule 316, Storage and Transfer of Gasoline are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 9, 1996, unless, by March 11, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 9, 1996.

Regulatory Process

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 sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

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 Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 10, 1995.

Felicia Marcus,

Regional Administrator.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(196)(i)(C), (210)(i)(D), and (222)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(196)* * *

(i) * * *

(C) Santa Barbara County Air Pollution Control District.

(*1*) Rule 316, adopted on December 14, 1993.

* * * * *

(210)* * *

(i) * * *

(D) Monterey Bay Unified Air Pollution Control District.

(*1*) Rule 1002, adopted on November 23, 1994.

* * * * *

(222)* * *

(i) * * *

(D) San Diego County Air Pollution Control District.

(*1*) Rule 67.24, adopted on March 7, 1995.

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[FR Doc. 96–2822 Filed 2–8–96; 8:45 am]
BILLING CODE 6560–50–W

40 CFR Part 52

[IN58–1–7216a; FRL–5342–9]

Approval and Promulgation of Implementation Plans; Revision to the Indiana State Implementation Plan for Ozone

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA approves the State Implementation Plan (SIP) revision request submitted by the State of Indiana on August 25, 1995, establishing a summertime gasoline Reid Vapor Pressure (RVP) limit of 7.8 pounds per square inch (psi) for gasoline distributed in Clark and Floyd Counties, as part of the State's plan to attain 15 percent (%) Reasonable Further Progress (RFP) reductions of Volatile Organic Compounds (VOC) emissions in these two Counties by 1996. Emissions of VOC react with other pollutants, such as oxides of nitrogen, on hot summer days to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. RFP plans are intended to bring areas which have been exceeding the public health-based Federal ozone air quality standard closer toward the goal of attaining and maintaining this standard. Indiana expects that the summertime RVP gasoline limit will reduce VOC emissions by 2.29 tons per day in the Clark and Floyd Counties ozone nonattainment area. A final approval action is being taken because the submittal meets all pertinent Federal requirements.

DATES: The ''direct final'' is effective on April 9, 1996, unless USEPA receives adverse or critical comments by March 11, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request is available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

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

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

RVP is a measure of a fuel's volatility and thereby affects the rate at which gasoline evaporates and emits VOC; the lower the RVP, the lower the rate of evaporation. The RVP of gasoline can be lowered by reducing the amount of its volatile components, such as butane. Lowering RVP in the summer months can offset the effect of summer temperature upon the volatility of gasoline, which in turn lowers emissions of VOC. Because VOC is a necessary component in the production of ground level ozone in hot summer months, reduction of RVP will assist the State of Indiana to attain the National Ambient Air Quality Standard (NAAQS) for ozone, which all States must promulgate SIPs to achieve under section 110(a) of the Act.

The USEPA first proposed to regulate gasoline RVP in 1987 (52 FR 31274). USEPA's gasoline RVP proposal resulted in a two-phased final regulation which was incorporated into the 1990 Amendments to the Clean Air Act (Act) in section 211(h). Phase I of the regulation took effect in 1990 (54 FR 11868) for the years 1990 and 1991. Phase II of the regulation became effective in 1992 (55 FR 23658). The rule divides the continental United States into two control regions, Class B and Class C. Generally speaking, the Class B states are the warmer southern and western states, and Class C states are the cooler northern states. The Phase II regulation limits the volatility of gasoline sold during the high ozone season to 9.0 psi RVP for Class C areas and 7.8 psi RVP for Class B ozone nonattainment areas. Indiana is a Class C State, and therefore, required under the Federal rule to meet the 9.0 psi RVP standard.

State governments are generally preempted under section 211(c)(4)(A) of the Act from requiring any or all areas in a state to meet a more stringent volatility standard.[1] However, a state can require a more stringent standard in its SIP if the state can show under section 211(c)(4)(C) that the more stringent standard is necessary to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in a particular nonattainment area. The state can make this showing by providing evidence that no other measures exist that would bring about timely attainment, or that such measures exist and are technically possible to implement, but are unreasonable or impractical. If a state makes this showing, it can lower the RVP of gasoline to whatever level has been shown to be necessary in the nonattainment area(s).

[1] USEPA's federal standards were promulgated under both section 211(c) and section 211(h). States are generally preempted under section 211(c)(4)(A) from requiring fuel standards promulgated under section 211(c).

II. State Submittal

Section 182 of the Act requires all moderate, serious, severe, and extreme ozone nonattainment areas to submit an RFP plan to achieve a 15% reduction of 1990 emissions of VOC by 1996. In Indiana, Clark and Floyd Counties are classified as moderate nonattainment for ozone, and as such, subject to the 15% RFP requirement. *See* 40 CFR 81.315.

The Indiana Department of Environmental Management (IDEM) developed and submitted a plan to USEPA on July 12, 1995, outlining the VOC emission control measures which will be implemented in order to satisfy the 15% RFP requirement for Clark and Floyd Counties. USEPA is currently reviewing the plan. One of the measures identified in the Clark and Floyd Counties plan is a summertime gasoline RVP limit of 7.8 psi. On August 3, 1994, the Indiana Air Pollution Control Board (IAPCB) held a preliminary adoption hearing on a proposed rule to limit summertime gasoline RVP to 7.8 psi, and on January 11, 1995, the IAPCB adopted the rule. The rule became effective on August 5, 1995, and was published in the Indiana State Register on August 1, 1995. IDEM formally submitted the RVP rule to USEPA on August 25, 1995, as a revision to the Indiana ozone SIP. USEPA made a finding of completeness of this SIP revision in a letter dated October 2, 1995.

In the 15% RFP plan for Clark and Floyd Counties, Indiana reviewed all reasonable control measures and calculated the total reductions that it could achieve through these measures. The plan's modeling demonstrates that limiting the RVP of gasoline to 7.8 reduces emissions in Clark and Floyd Counties by approximately 2.29 tons per day.

''Opt-in'' into the Federal reformulated gasoline program, pursuant to section 211(k)(6) of the Act, could also achieve this amount of

emission reduction, but could not be implemented in time to qualify as a control measure which could help Clark and Floyd Counties meet 15% RFP reductions by 1996. Other reasonable control measures which could possibly achieve this degree of emission reduction, such as Stage II vapor recovery, enhanced vehicle Inspection/Maintenance, or new Reasonably Available Control Technology requirements for stationary sources, are already part of the RFP plan for Clark and Floyd Counties.

Indiana has therefore selected the RVP control because it is the only other reasonable and practicable emission control option available to the Clark and Floyd County area 15% RFP plan, and gasoline RVP control is necessary to ensure timely attainment with the NAAQS for ozone. On this basis, USEPA has found that Indiana has sufficiently justified establishing a 7.8 psi summertime gasoline RVP limit under section 211(c)(4)(C) of the Act.

III. Analysis of Rule

The Indiana RVP rule specifies that the gasoline distributed in Clark and Floyd Counties by all refineries, importers, carriers, or terminals between May 1 and September 15, and all retail stations and other end users who sell or dispense gasoline between June 1 and September 15, must meet a RVP standard of 7.8 psi or less per gallon. The rule provides a 1.0 psi volatility waiver for ethanol blended fuels and establishes reformulated gasoline (RFG) as a compliant fuel in order to allow gasoline distributors who sell only RFG to maintain a presence in Clark and Floyd Counties. In addition, the Indiana RVP rule requires all parties involved with the marketing of gasoline to maintain records indicating that the volatility of each gasoline shipment meets the 7.8 psi limit. The control period, ethanol blend waiver, and recordkeeping requirements, are all consistent with the Act and USEPA's final RVP rule (55 FR 23658). Reformulated gasoline is suitable as a compliant fuel because it achieves slightly higher emission reductions than gasoline with 7.8 psi RVP.

IDEM will oversee compliance with this rule. Gasoline sampling and testing to assure compliance with the regulation began in the summer of 1995. Sampling will be performed in accordance with the procedures described by USEPA in its gasoline volatility regulations in 40 CFR part 80, Appendix D. Gasoline volatility and ethanol content tests will be performed following procedures described by USEPA in 40 CFR part 80, Appendices E and F, respectively. The Indiana Code (IC) 13–7–13–1, states that any person who violates any provision of IC 13–1–1, IC 13–1–3, or IC 13–1–11, or any regulation or standard adopted by one (1) of the boards (i.e., IAPCB), or who violates any determination, permit, or order made or issued by the commissioner (of IDEM) pursuant to IC 13–1–1, or IC 13–1–3, is liable for a civil penalty not to exceed twenty-five thousand dollars per day of any violation. Because this submittal is a regulation adopted by the IAPCB, a violation of which subjects the violator to penalties under IC 13–7–13–1, and because a violation of the ozone SIP would also subject a violator to enforcement under section 113 of the Act by USEPA, USEPA finds that the submittal contains sufficient enforcement penalties for approval. In addition, IDEM has submitted a civil penalty policy document which accounts for various factors in the assessment of an appropriate civil penalty for noncompliance with IAPCB rules, among them, the severity of the violation, intent of the violator, and frequency of violations. USEPA finds these criteria sufficient to deter non-compliance.

IV. Final Rulemaking Action

The USEPA approves the SIP revision submitted by the State of Indiana. The State of Indiana has submitted a SIP revision which includes enforceable state regulations consistent with Federal requirements. Indiana has already conducted inspections at about one-third of the regulated facilities during the first season of compliance. Substantial penalties which will provide an adequate incentive for the regulated industry to comply and are no less than the expected cost of compliance are included in current Pollution Control Board Regulation. USEPA is, therefore, approving this submittal.

Procedural Background

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on April 9, 1996, unless USEPA receives adverse or critical comments by March 11, 1996. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on April 9, 1996.

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 D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

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

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or

the selection of this alternative is inconsistent with law.

This final rule only approves the incorporation of existing state rules into the SIP and imposes no additional requirements. This rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year. USEPA, therefore, has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Furthermore, because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments.

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. sections 603 and 604.) Alternatively, USEPA 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 a State has already imposed. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(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 April 9, 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

Environmental protection, Air pollution control, Hydrocarbon, Incorporation by reference, Ozone.

Dated: November 21, 1995.

Valdas V. Adamkus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(101) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(101) On August 25, 1995, Indiana submitted a regulation which reduced the maximum allowable volatility for gasoline sold in Clark and Floyd Counties to 7.8 psi during the summer control period. The summer control period is June 1, to September 15, for retail outlets and wholesale customers, and May 1, to September 15, for all others.

(i) Incorporation by reference. 326 Indiana Administrative Code 13–3 Control of Gasoline Reid Vapor Pressure. Sections 1 through 7. Finally adopted by the Indiana Air Pollution Control Board January 11, 1995. Signed by the Secretary of State July 6, 1995. Effective August 5, 1995. Published at Indiana Register, Volume 18, Number 11, August 1, 1995.

[FR Doc. 96–2826 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN62–1–7234a; FRL–5342–7]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is approving an August 25, 1995, State request for a site-specific revision to the Indiana sulfur dioxide (SO_2) State Implementation Plan (SIP). This revision amends the SO_2 emission limitations applicable to the Joseph E. Seagram and Sons, Inc. (Seagram), facility in Lawrenceburg, Indiana, so that two boilers may not operate simultaneously on coal or fuel oil. The Seagram facility has essentially operated under these restrictions for several years, thereby emitting less SO_2 than the previous rules had allowed. The incorporation of this restriction into the Indiana SO_2 SIP was deemed to be necessary after dispersion modeling in support of an SO_2 SIP revision for Cincinnati, Ohio predicted violations of the National Ambient Air Quality Standards (NAAQS) for SO_2 in Dearborn County, Indiana, if Seagram were to operate at the previously allowed SO_2 emission rates. The restrictions contained in Indiana's August 25, 1995, submittal will eliminate the predicted violations in Dearborn County, and their approval by USEPA will enable final Federal approval of the Cincinnati, Ohio SO_2 SIP revision.

DATES: This action is effective on April 9, 1996 unless an adverse comment is received by March 11, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

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

Copies of the State's submittal and USEPA's analysis (Technical Support Document) are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mary Onischak at (312) 353–5954 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Mary Onischak at (312) 353–5954.

SUPPLEMENTARY INFORMATION:

I. Introduction

Indiana has revised the SO_2 emission limits for the Joseph E. Seagram and Sons, Inc., distillery in Lawrenceburg, Indiana, as codified by the State at 326 Indiana Administrative Code (326 IAC) 7–4–13 (3) (Dearborn County Sulfur Dioxide Emission Limitations), and submitted this rule on August 25, 1995, to USEPA as a site-specific SO_2 SIP revision. The SIP revision limits the use of sulfur-bearing fuels at the Seagram distillery in Lawrenceburg, Indiana, and is intended to address potential

violations of the SO_2 NAAQS in Dearborn County, Indiana. The SIP revision was found complete in a letter dated October 20, 1995.

II. Emission Limitation

In the previously approved SO_2 SIP for Dearborn County, Indiana's rule 326 IAC 7–4–13 limited the emissions at each of Seagram's Boilers 5 and 6 to 1.92 pounds sulfur dioxide per million British Thermal Units (lb/MMBTU). In addition, if Boiler Number 6 was operating on any fuel other than natural gas, the previous rule only allowed Boiler Number 5 to emit 1.07 lb/MMBTU. In response to a January 5, 1994, request by USEPA, Indiana amended 326 IAC 7–4–13(3) to state that when both Boilers 5 and 6 are in operation, only one boiler may use coal or fuel oil. The rule also requires Seagram to keep records of its fuel usage and report this information to the State of Indiana.

III. Relationship to the Hamilton County, Ohio SIP

The need for revisions to Indiana's Dearborn County SO_2 SIP became apparent during USEPA's review of an Ohio SO_2 SIP revision, which had been requested by USEPA on December 22, 1988. On October 18, 1991, the State of Ohio submitted to USEPA the revised SO_2 SIP for Hamilton County, Ohio. Hamilton County, Ohio, is adjacent to Dearborn County, Indiana. In the course of Ohio's SIP development, dispersion modeling was used to evaluate the emissions from significant SO_2 sources in and around Hamilton County, including some sources in Indiana. One of the Indiana sources considered in the Ohio modeling study was the Seagram facility. Ohio's modeling predicted violations of the 3-hour and 24-hour SO_2 standard at receptor points in Dearborn County, Indiana, when Seagram was modeled at its highest allowable SO_2 emission rate in accordance with USEPA guidance; in addition, the Seagram facility was shown to be the main contributor to the modeled violations in Dearborn County.

Seagram's highest allowable emission rate assumed that Boiler Number 5 operated continuously on fuel oil. However, in a letter dated September 1, 1992, Seagram informed Ohio and Indiana that Boiler Number 5, Seagram's standby boiler, had not operated on fuel oil in the previous six years.[1] On January 5, 1994, USEPA requested that Indiana incorporate this restriction into its SO_2 SIP as an enforceable limitation on Seagram's operation.

Because some Hamilton County, Ohio, SO_2 sources also contributed to the modeled violations in Dearborn County, Indiana, USEPA could not approve the Hamilton County, Ohio SO_2 SIP before the modeled violations were fully addressed. Instead, USEPA conditionally approved the Hamilton County, Ohio, SO_2 SIP on August 23, 1994, under the condition that approvable revisions to the Dearborn County, Indiana SO_2 SIP would be submitted to USEPA by September 23, 1995. Indiana met this condition, submitting the Seagram rule revision to USEPA on August 25, 1995. With enforceable boiler use restrictions in the Indiana SIP, the Seagram facility's SO_2 emissions may be included in the Hamilton County SO_2 dispersion modeling study at a lower level than had been assumed previously. Ohio has already modeled the Seagram facility at the lower emissions allowed under the boiler restrictions, and found that the predicted SO_2 NAAQS violations in Dearborn County were eliminated. USEPA has reviewed this modeling and determined that it is acceptable. Federal approval of Indiana's August 25, 1995, SIP revision will therefore enable USEPA to finalize the Hamilton County, Ohio, SO_2 SIP approval.

IV. Final Rulemaking Action

For the reasons discussed above, USEPA is approving 326 IAC 7–4–13(3). Indiana's revised Dearborn County SO_2 rule creates an enforceable restriction on the operations of fossil fuel-fired boilers at the Seagram facility. This rule addresses the potential SO_2 NAAQS violations predicted by an Ohio modeling study, and will provide for attainment of the SO_2 NAAQS in Dearborn County, Indiana.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on April 9, 1996, unless USEPA receives adverse or critical comments by March 11, 1996.

If the USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that the USEPA will institute a second comment period on this action only if warranted by significant revisions to the rulemaking based on comments received in response to this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on April 9, 1996.

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

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 D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, USEPA 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 a State, local, and/or tribal government, in the aggregate. The USEPA must also develop a plan with regard to small governments that would be significantly or uniquely affected by the rule.

This rule approves the incorporation into the SIP of an existing State rule which applies only to a single private sector source located in Dearborn County, Indiana. It imposes no additional requirements. To the extent that the rules being approved by this action will impose any mandate upon this source, such a mandate will not result in estimated annual costs of $100 million or more to the source. The rule does not impact any governments.

[1] The company also stated in the letter that it did not intend to operate Boiler Number 5 on fuel oil while Boiler Number 6 was operating on coal or fuel oil, without first notifying and obtaining permission from Ohio and Indiana. USEPA notes that the rule being approved today does not contain any such notification/permission mechanism.

Therefore, no action is required under the Unfunded Mandates Act.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA 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, I certify 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 Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(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 April 9, 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, Incorporation by reference, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 21, 1995.

Valdas V. Adamkus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(103) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(103) On August 25, 1995, the State submitted regulations adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code for incorporation into the Indiana sulfur dioxide State Implementation Plan.

(i) Incorporation by reference.

(A) 326 Indiana Administrative Code 7–4–13(3); Dearborn County sulfur dioxide emission limitations; effective May 18, 1995. Published in the *Indiana Register*, Volume 18, Number 9, June 1, 1995.

[FR Doc. 96–2832 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[NE–8–1–7206a; FRL–5344–2]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The state of Nebraska operates a Federally approved State Implementation Plan (SIP) that includes a Class II operating permit program for minor sources (those not subject to Title V). This revision will clarify and strengthen the Class II operating permit program and other miscellaneous rule changes.

DATES: This action is effective April 9, 1996 unless by March 11, 1996 adverse or critical comments are received.

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

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

SUPPLEMENTARY INFORMATION: In February 1994, the state of Nebraska submitted an SIP revision to create a Class II operating permit program for minor sources (those not subject to Title V). This revision became effective on March 6, 1995 (see 60 FR 372–375).

During the period after the initial state submission, the state proposed several miscellaneous revisions to clarify and strengthen the Class II operating permit program. These revisions were adopted by the Environmental Quality Council on December 2, 1994, and signed by the Governor on May 29, 1995. The state subsequently requested a revision to the SIP on June 14, 1995, under the signature of Randolph Wood, designee of the Governor. This rulemaking addresses those revisions.

Additionally, in a rulemaking published on January 4, 1995 (60 FR 372), one chapter of the state's regulations was inadvertently not submitted with the incorporation by reference material. Thus, this rulemaking now incorporates Chapter 25, ''Nitrogen Oxides (Calculated as Nitrogen Dioxide); Emissions Standards for Existing Stationary Sources'' of Title 129.

Significant Features of the SIP Revision

A. Modifications for Class II and Construction Permits

1. Consistent with Federal regulations, the state now exempts sources subject only to 112(r) of the Act from the responsibility to obtain a Class II operating permit (5:002.02C). (Section 112(r) requires prevention of accidental release plans.) Sources subject to 112(r) are still required to comply with that section's provisions but will not be required to also obtain a state permit. This relieves approximately 500 sources, otherwise not regulated under the Act, from obtaining Class II permits.

2. The state has revised Title 129 to provide that Class II sources have the same exemptions and mechanisms for meeting the requirement to obtain an operating permit available to them as do Class I (Title V) sources in 5:003:01 and 02. These changes are necessary because those provisions in the previous rule language did not specify Class II sources, and the change makes the rule consistent for both classes of sources.

3. Pursuant to Title V, the state has developed a list and criteria for insignificant activities for Class I permits as referenced in 7:006.03. The state has revised its rules in 7:007.07 to also allow exclusion of insignificant activities from Class II permit applications.

Without the development of a list that can be used for Class II sources, emissions information would be

required for every emission point or unit at a facility, regardless of how small. This revision offers the same relief for Class II sources from unnecessary reporting as for Class I sources, and reduces the amount of information required for specified emission units or activities. However, Class II applications must still provide information necessary to determine whether an activity is subject to an applicable requirement.

4. The state has added language that states the provisions of an operating permit issued under Title 129 supersede the provisions of any previously issued operating or construction permit (8:007.06). The addition of this language prevents any misunderstanding over which provisions are applicable to a source. However, this provision does not authorize changes to prior permits which make its requirements less stringent, because rule 8:015.01 requires that permit requirements must be at least as stringent as any applicable requirement including conditions of any prior permit.

5. Concerning expired permits, the state has reworded rule 12:003 to provide that the conditions of an expired permit shall continue until a new permit is issued or until the application for a new permit is denied.

6. With respect to construction permits in rule 17:001.01, the state has consolidated the applicability provisions previously contained in separate rules into the construction permit rule. This is consistent with EPA requirements for programs to review the air quality impact of proposed new sources and modifications as specified in section 110(a)(2)(C) of the Act.

B. Provisions Regulating Incinerators and Class II Permits

1. The state has tightened its requirement that refuse incinerators obtain operating permits in rule 5:001.02B. The revision provide that residential incinerators are exempt if they are used to dispose of wastes generated on site.

2. The state has added a requirement that nonresidential refuse incinerators obtain a construction permit in rule 17:001.02. An exemption is provided for residential incinerators on property with five or less dwellings which dispose of wastes generated on site.

3. The incinerator emission standards in Chapter 22 are amended to apply to both new and existing refuse incinerators. The former rule applied only to existing incinerators.

The EPA believes these revisions are approvable because they strengthen the existing SIP and are consistent with the relevant requirements of section 110(a)(2) of the Act.

C. Updating and Adopting Federal Regulations

1. The state has revised rule 19:01 to update its incorporation of Prevention of Significant Deterioration regulations as found in 40 CFR part 52.21 as amended through June 3, 1994.

2. Nebraska has incorporated by reference the Federal regulation on General Conformity. This regulation applies to Federal projects in nonattainment areas and requires such projects to conform to the state SIP. At this time, the regulation would only apply to the lead nonattainment area in Omaha.

The EPA is not acting on the Nebraska General Conformity rule in Chapter 40 as part of this rulemaking, but will act on it in a separate rulemaking.

D. Administrative Restructuring of Title 129

In the previously approved version of Title 129, Chapters 40 through 44 addressed various administrative matters such as appeal procedures and the responsibility to comply with Title 129. The state now consolidates these requirements into one chapter (41). No actual change in the content has been made from the previously approved SIP.

EPA Action

EPA is taking final action to approve revisions submitted June 14, 1995, for the state of Nebraska. All revisions discussed in this notice are considered approvable by the EPA. The reader should note in the rulemaking portion of this document EPA's provision clarifying that any nonconforming permit requirements may be deemed not Federally enforceable.

For a complete understanding of the state's submission and EPA's analysis, the reader may request the ''Technical Support Document (TSD) for a Revision to the Nebraska State Implementation Plan (SIP) concerning the Class II Operating Permit Program'' dated August 30, 1995.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed.

If the 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. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

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

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

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.

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 SIP revision, the state has elected to adopt the program provided for under section 110 of the CAA. These rules may bind state and local governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being finalized for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state or local governments, or to the private sector, result from this final action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to tribal, state, or local governments in the aggregate or to the private sector.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 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

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

Dated: November 22, 1995.

Dennis Grams,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart CC—Nebraska

2. Section 52.1420 is amended by adding paragraph (c)(43) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(43) On June 14, 1995, the Director of the Nebraska Department of Environmental Quality submitted revisions to the State Implementation Plan (SIP) to modify the Class II operating permit program.

(i) Incorporation by reference.

(A) Revised rules ''Title 129—Nebraska Air Quality Regulations,'' effective May 29, 1995. This revision applies to chapters 5, 7, 12, 17, 19, 25, 41 and deletes chapters 42, 43 and 44.

(ii) Additional material.

(A) None.

3. Section 52.1424 is added to read as follows:

§ 52.1424 Operating permits.

Emission limitations and related provisions which are established in Nebraska operating permits as Federally enforceable conditions shall be enforceable by EPA. The EPA reserves the right to deem permit conditions not Federally enforceable. Such a determination will be made according to appropriate procedures and be based upon the permit, permit approval procedures, or permit requirement which do not conform with the operating permit program requirements or the requirements of EPA underlying regulations.

[FR Doc. 96–2830 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[NV23–1–7219a; FRL–5338–8]

Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the Nevada State Implementation Plan. On May 3, 1995 EPA published the Notice of Proposed Rulemaking to partially approve and partially disapprove the State Implementation Plan (SIP) revision submitted by the State of Nevada for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The cause of the proposed disapproval has since been corrected by the State. Thus, EPA is finalizing approval of these revisions into the Nevada SIP under provisions of the CAA regarding EPA action on SIP submittals and plan requirements for establishing a PROGRAM.

DATES: This action is effective on April 9, 1996 unless adverse or critical comments are received by March 11, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

U.S. Environmental Protection Agency, Air Docket 6102, 401 ''M'' Street SW., Washington, DC 20460.

Nevada Division of Environmental Protection, Bureau of Air Quality, 123 West Nye Lane, Room 123, Carson City, NV 89710.

FOR FURTHER INFORMATION CONTACT: R. Michael Stenburg, A–1, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1182.

SUPPLEMENTARY INFORMATION:

1. Background

Implementation of the provisions of the Clean Air Act (CAA), as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the Federally approved SIP. In addition, the CAA directs the Environmental Protection Agency (EPA) to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in Section 507 of Title V of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section* 507 *of the* 1990 *Clean Air Act Amendments,* in order to delineate the Federal and State roles in meeting the new statutory provisions and as a tool to provide

further guidance to the States on submitting acceptable SIP revisions.

On June 28, 1994, the State of Nevada submitted a SIP revision to EPA in order to satisfy the requirements of Section 507. In order to gain full approval, the State submittal must provide for each of the following PROGRAM elements: (1) the establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP. A detailed discussion of the background for each of the above PROGRAM elements is provided in the May 3, 1995 Federal Register Notice of Proposed Rulemaking (NPR) 60 FR 21781. EPA proposed to partially disapprove the June 28, 1994 submittal for not satisfying the Compliance Advisory Panel requirements for indicating an implementation schedule of milestones showing when the officials will be appointed and when the program will be operational and for not indicating that the Compliance Advisory Panel will review and assure that information for small business stationary sources is easily understandable. On June 20, 1995 the State held a public hearing which adopted an implementation schedule and the aforementioned procedure for insuring information is understandable by the layperson. On July 5, 1995 the State submitted the corresponding SIP revision which became effective on July 5, 1995.

EPA has evaluated all of the above PROGRAM elements for consistency with the requirements of the CAA and the EPA policy guidance document. EPA has found that all the PROGRAM elements now meet the applicable EPA requirements. A detailed discussion of the background for each of the above PROGRAM elements is provided both in this Federal Register and in the May 3, 1995 Federal Register Notice of Proposed Rulemaking (NPR).

II. Response to Public Comments

A 30-day public comment period was provided in the May 3, 1995 Federal Register NPR. EPA received no public comments.

III. Final Action

EPA is approving the SIP revisions submitted by the State of Nevada. The revisions were made to satisfy the requirements of Section 507 of the CAA.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 9, 1996, unless, by March 11, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 9, 1996.

The OMB has exempted this action from review under Executive Order 12866.

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.

By this action, EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

Note: Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 20, 1995.

Felicia Marcus,

Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart DD—Nevada

2. Section 52.1470 is amended by adding paragraphs (c) (34) and (35) to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(34) Program elements were submitted on June 28, 1994 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on June 28, 1994.

(35) Program elements were submitted on July 5, 1995 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on July 5, 1995.

[FR Doc. 96–2828 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 63

[AD–FRL–5419–7]

National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the regulatory text of the final rule for national emissions standards for hazardous air pollutants for aerospace manufacturing and rework facilities that was promulgated in the Federal Register on September 1, 1995 (60 FR 45948).

EFFECTIVE DATE: This regulation is effective February 9, 1996.

FOR FURTHER INFORMATION CONTACT: For general or technical information concerning the standards, contact Mr. James Szykman, Emission Standards Division (MD–13), U.S. Environmental

Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2452.

SUPPLEMENTARY INFORMATION: Section 112 of the Act requires EPA to promulgate national emission standards for sources of hazardous air pollutants (HAP). On September 1, 1995 (60 FR 45947), the Agency promulgated final standards for the aerospace manufacturing and rework industry. Among other provisions, the rule established a deadline for existing sources to submit an initial notification to the Administrator.

The submittal of an initial notification by owners or operators of existing sources affected by relevant standards is required under § 63.9(b)(2) of the General Provisions to 40 CFR part 63. Section 63.9(b)(2) requires that this initial notification be submitted to the Administrator within 120 days of the effective date of a promulgated NESHAP. In the case of the final Aerospace NESHAP, affected existing facilities would be required to submit an initial notification by December 30, 1995.

However, in paragraph V.H.(2)(a) of the preamble to the proposed aerospace manufacturing and rework NESHAP published in the Federal Register on June 6, 1994 (59 FR 29216), the Agency stated its intent to override the submittal date specified in the General Provisions and to require owners or operators of affected aerospace manufacturing and rework facilities to submit this initial notification ''* * * no later than 12 months before the final compliance date [i.e., by September 1, 1997] * * *.'' One comment was received concerning the submittal of the initial notification (see Docket Number A–92–20, Entry Number IV–D–31). This commenter requested that the initial notification be submitted within the 120 days specified in the General Provisions. While the Agency generally favors early interaction amongst the regulated community, permitting agencies, and the public, especially in instances where the final compliance date is less than three years from promulgation; the Agency was not compelled to alter its position from that found in the preamble to the proposed rule because of the three years allowed for existing sources to comply. Therefore, the final rule should have indicated requirements for the submittal of an initial notification within 2 years of the effective date of the final standard. However, language specifying the September 1, 1997 date for submittal of the initial notification was mistakenly omitted from the final rule published in the Federal Register. In today's document, the Agency has corrected this omission and has included the applicable language.

Dated: February 1, 1996.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

The following corrections are being made in the regulatory text for: National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing and Rework Facilities published in the Federal Register on September 1, 1995 (60 FR 45948):

§ 63.753 [Corrected]

1. Paragraph (a)(1) of § 65.753 on page 45979, column 1, should read as follows:

* * * * *

(a)(1) Except as provided in paragraphs (a)(2) and (a)(3) of this section, each owner or operator subject to this subpart shall fulfill the requirements contained in § 63.9 (a) through (e) and (h) through (j), Notification requirements, and § 63.10 (a), (b), (d) and (f), Recordkeeping and reporting requirements, of the General Provisions, 40 CFR part 63, subpart A, except that the initial notification requirements for new or reconstructed affected sources in § 63.9(b) (3) though (5) shall not apply. In addition to the requirements of § 63.9(h), the notification of compliance status shall include:

(i) Information detailing whether the source has operated within the specified ranges of its designated operating parameters.

(ii) For each coating line, where averaging will be used along with the types of quantities of coatings the facility expects to use in the first year of operation. Averaging scheme shall be approved by the Administrator or delegated State authority and shall be included as part of the facility's title V or part 70 permit.

(2) The initial notification for existing sources, required in § 63.9(b)(2) shall be submitted no later than September 1, 1997. For the purpose of this subpart, a title V or part 70 permit application may be used in lieu of the initial notification required under § 63.9(b)(2), provided the same information is contained in the permit application as required by § 63.9(b)(2), and the State to which the permit application has been submitted has an approved operating permit program under part 70 of this chapter and has received delegation of authority from the EPA. Permit applications shall be submitted by the same due dates as those specified for the initial notifications.

* * * * *

[FR Doc. 96–2923 Filed 2–8–96; 8:45 am]

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40 CFR Parts 262, 264, 265, and 270

[IL–64–2–5807; FRL–5407–2]

Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: Under the authority of the Resource Conservation and Recovery Act (RCRA), as amended, the EPA has published air standards to reduce organic emissions from hazardous waste management activities (59 FR 62896, December 6, 1994). The air standards apply to owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDF) subject to RCRA subtitle C permitting requirements and to certain hazardous waste generators accumulating waste in on-site tanks and containers. This action makes clarifying amendments in the regulatory text of the final standards, corrects typographical and grammatical errors, and clarifies certain language in the preamble to the final rule.

EFFECTIVE DATE: The rule provisions clarified by this action are effective as of June 6, 1996, the effective date of the final rule.

ADDRESSES: This notice is available on the EPA's Clean-up Information Bulletin Board (CLU–IN). To access CLU–IN with a modem of up to 28,800 baud, dial (301) 589–8366. First time users will be asked to input some initial registration information. Next, select ''D'' (download) from the main menu. Input the file name ''RCRACLAR.ZIP'' to download this notice. Follow the on-line instructions to complete the download. More information about the download procedure is located in Bulletin 104; to read this type ''B 104'' from the main menu. For additional help with these instructions, telephone the CLU–IN help line at (301) 589–8368.

Docket. The supporting information used for this rulemaking is available for public inspection and copying in the RCRA docket. The RCRA docket numbers pertaining to this rulemaking are F–91–CESP–FFFFF, F–92–CESA–FFFFF, F–94–CESF–FFFFF, F–94–

CE2A–FFFFF, and F–95–CE3A–FFFFF. The RCRA docket is located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Hand delivery of items and review of docket materials are made at the Virginia address. The public must have an appointment to review docket materials. Appointments can be scheduled by calling the Docket Office at (703) 603–9230. The mailing address for the RCRA docket office is RCRA Information Center (5305W), U. S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline, toll-free at (800) 424–9346. For further information on the specific provisions to which this clarification refers, contact Ms. Michele Aston, Emission Standards Division (Mail Drop 13), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–2363.

SUPPLEMENTARY INFORMATION:

Background

The EPA is today making clarifying amendments to the final subpart CC standards. Since the publication of the final rule, the EPA has published two Federal Register documents to delay the effective date of the final rule. The first (60 FR 26828, May 19, 1995) revised the effective date of the standards to be December 6, 1995. The second (60 FR 56952, November 13, 1995) subsequently revised the effective date of the standards to be June 6, 1996. The EPA has also issued a stay of the standards specific to units managing wastes produced by certain organic peroxide manufacturing processes (60 FR 50426, September 29, 1995).

On August 14, 1995, the EPA published a Federal Register document entitled, ''Proposed rule; data availability'' (60 FR 41870) and opened RCRA docket F–95–CE3A–FFFFF to accept comments on revisions that the EPA is considering for the final subpart CC standards. The EPA accepted public comments on the appropriateness of these revisions through October 13, 1995 and is now in the process of reviewing and evaluating the comments that were received. The EPA expects to complete its review of these public comments, and publish a Federal Register notice explaining the EPA's decision if and how to amend the rule to reflect the proposed revisions, in early 1996.

Today's action clarifies provisions of the final rule to better convey the EPA's original intent. While today's clarifications may be applicable to certain comments submitted to docket F–95–CE3A–FFFFF, today's action is independent of those proposed revisions and the Federal Register document that EPA intends to publish in early 1996 addressing its evaluation of the proposed revisions. The information presented in this preamble is organized as follows:

1. Applicability.
2. Definitions.
3. Schedule for implementation of air emission standards.
4. Standards: General.
5. Waste determination procedures.
6. Standards: Tanks.
7. Standards: Surface impoundments.
8. Standards: Containers.
9. Closed-Vent Systems and Control Devices.
10. Inspection and Monitoring requirements.
11. Recordkeeping Requirements.
12. Reporting Requirements.
13. Alternative Control Requirements for Tanks.
14. Immediate Effective Date.

1. Applicability

The EPA deferred applicability of the final subpart CC standards to units used solely for on-site treatment or storage of hazardous waste generated in the course of certain remedial activities. Paragraph (b)(5) of § 264.1080 and § 265.1080 specified that this deferral applied to ''remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h), CERCLA authorities, or similar Federal or State authorities.'' However, page 62897 of the preamble to the final subpart CC standards stated that this deferral applied to ''remedial activities required under RCRA corrective action or CERCLA response authorities (or similar State remediation authorities).'' Consistent with the regulatory language, the EPA intended that this deferral apply to remedial activities under the authority of RCRA corrective action, CERCLA response, similar Federal authorities, or similar State authorities. An example of a similar Federal authority would be the EPA Compliance Monitoring Program (CMP) pursuant to the Toxic Substances Control Act, and a waste management unit that is used solely for on-site storage of hazardous wastes generated from remedial activities required by the CMP thus would qualify for deferral from the applicability of the final subpart CC standards.

The EPA also deferred applicability of the subpart CC standards to hazardous waste management units that are used ''solely'' to treat or store radioactive mixed waste, in paragraph (b)(6) of § 264.1080 and § 265.1080. EPA is clarifying here that the use of the word ''solely'' does not preclude addition of other materials to a unit managing radioactive mixed waste if applicable regulations of the Atomic Energy Act or the Nuclear Waste Policy Act require that material other than radioactive mixed waste be added to the unit. Such additions would not contravene the purpose of EPA's limitation of the scope of the deferral: To prevent radioactive mixed wastes from being used to exempt other hazardous waste from the rule through mixing and to limit the volume of mixed waste that is managed, again by limiting options for exempt mixing. Thus, if any materials other than radioactive mixed waste are added after June 6, 1996 to units used to treat or store mixed waste, the regulatory deferral of the unit would not apply *unless* the addition is pursuant to a regulatory requirement imposed pursuant to the Atomic Energy Act and/or the Nuclear Waste Policy Act.

2. Definitions

The EPA is revising the definition of ''cover'' and adding a definition for the term ''enclosure'' to clarify the EPA's intended distinction between the two technologies, and to clarify the specific requirements for an enclosure. As used in the final subpart CC standards, the EPA considers a cover to be a device that is placed on or over a unit and forms a barrier between the entire waste surface and the space external to the unit. Examples of covers include a fitted lid on a drum and a roof on a tank. In contrast, the EPA considers an enclosure to be a structure that is external to a unit which surrounds the unit and some space external to the unit. An example of an enclosure would be a shed or a building within which a unit is either permanently or temporarily located. The definition for ''cover'' contained in the December 6, 1994 final standards listed an enclosure surrounding a container as an example of a cover, which has led to several inquiries from the public as to whether a tank located inside a building equipped with a ventilation system routed to a control device would meet the requirements for tank covers specified in § 264.1084(d) and § 265.1085(d). It is not the EPA's intent to allow an enclosure or building surrounding a tank to meet the control requirements for the final subpart CC standards; see Hazardous Waste TSDF Background Information for Promulgated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers, EPA–

453/R–94–076b (''BID''), page 6–61. To make explicit what is already implicit in the final rule, EPA is clarifying that an enclosure surrounding a tank is not equivalent to a cover on a tank. Thus, the EPA is removing the example of an enclosure from the definition of ''cover'' and is creating a separate definition for the term ''enclosure.''

The final subpart CC standards require enclosures surrounding open fixation containers to meet airflow and pressure drop requirements, as specified in paragraph (b)(2)(ii) of § 264.1086 and § 265.1087. The EPA has received a number of requests from the public to more clearly specify these requirements. In response, the EPA is specifically defining the term ''enclosure'' such that an enclosure be designed and operated in accordance with the requirements of ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' contained in § 52.741, appendix B. The requirements of this procedure will provide facilities with a more clear definition of the EPA's intent for the design and operation of enclosures.

The EPA is also amending the term ''waste stabilization'' to specifically exclude the process of adding non-reactive absorbent material to the surface of a waste. The EPA recognizes that to meet certain criteria under the Land Disposal Restrictions, or to prevent the introduction of liquids into certain combustion devices, owners or operators apply absorbent material to the surface of wastes just prior to disposal. In such procedures, the container is opened, absorbent material is placed on the surface of the waste to absorb a relatively small amount of liquid, and the container is closed. No mixing or agitation is involved in this process. The EPA's intended definition of waste stabilization for the final subpart CC air rules does not include processes that do not include mixing or agitation, and do not involve curing (BID, p. 6–57). The EPA is amending the definition of ''waste stabilization'' to clarify this intent.

3. Schedule for implementation of air emission standards

The December 6, 1994 published rule establishes additional air standards for TSDF owners and operators subject to 40 CFR part 264 or 40 CFR part 265. All requirements enacted under this final action are effective as of June 6, 1996. This includes the application of the requirements of 40 CFR part 265 subparts AA, BB, and CC to 90-day accumulation units at hazardous waste generators, and the application of 40 CFR part 265 subparts AA, BB, and CC to facilities with final RCRA permits.

The final rule provides that when the required air emission control equipment cannot be operational at an existing hazardous waste generator or TSDF by June 6, 1996, an implementation schedule for installation of the equipment must be developed and placed in the facility operating records no later than June 6, 1996. In such cases, § 265.1082(a)(2)(i) states that the facility owner or operator must have all air emission controls required by the final rule in operation no later than December 8, 1997.

The EPA also recognizes that certain affected facilities may require time beyond June 6, 1996 to implement other provisions of the final standards, such as developing a facility program to perform the specified leak detection tests on tank covers. Also, generator and TSDF facilities to which the requirements of subparts AA and BB are newly applicable on the June 6, 1996 effective date may need additional time to come into compliance with all provisions of those subparts. The EPA expects such instances to be rare, but in the event a facility cannot implement any technical requirement of subparts AA, BB, or CC, it is the EPA's intent that the owner or operator document the necessity for a delay in the facility operating record. To be in compliance with the rule, the necessary documentation must be in place by the June 6, 1996 effective date. To be in compliance with the subpart CC standards, affected facilities must have all required air emission controls installed and operating no later than December 8, 1997. However, facilities newly subject to subparts AA and BB must be in compliance with all the requirements of those subparts no later than 30 months after the effective date that the facility becomes subject to those subparts. Paragraph (a)(2) in § 264.1033 and § 265.1033 is amended to clarify this intent.

In addition, the EPA is clarifying that an affected unit which the owner or operator intends to replace or remove may also be in compliance through the use of an implementation plan. The EPA recognizes that certain facilities may choose to comply with the subpart CC air rules by replacing an existing hazardous waste management unit, or by modifying their facility process such that a given waste management unit is no longer necessary. The EPA also realizes that facilities could require time beyond June 6, 1996 to complete such modifications, during which time it may be necessary for the facility to continue adding hazardous waste to the affected unit. The EPA had therefore intended to allow the owner or operator to be in compliance with the subpart CC standards provided that sufficient documentation is entered into the facility operating record by the June 6, 1996 effective date. The facility operating record must contain sufficient information to document the necessity to continue adding hazardous waste to the unit after June 6, 1996, and document the owner or operator's schedule and plan to cease adding hazardous waste to the affected unit as soon as is feasible, but no later than December 8, 1997 (BID p. 9–6).

Paragraphs (b)(3) and (b)(4) in § 264.1080 and § 265.1080 specify that the subpart CC standards do not apply to tanks or surface impoundments for which the owner or operator has begun implementing or has completed closure pursuant to an approved closure plan, and into which the owner or operator has stopped adding hazardous waste. However, if a closure plan has not been approved for an affected unit, the final subpart CC standards are applicable to that unit. In such a case, the subpart CC standards require that on the June 6, 1996 effective date, if the affected unit is not equipped with the appropriate air emission controls, no hazardous waste may be added to that unit. In this situation, it is the EPA's intent that the owner or operator would be in compliance with the subpart CC standards provided that sufficient documentation is entered into the facility operating record by the June 6, 1996 effective date. This is consistent with the situation described in the previous paragraph where the removal of an affected unit cannot be accomplished before the June 6, 1996 effective date. As with the situation described above, the facility operating record must contain sufficient information to document the inability of the owner or operator to cease adding hazardous waste to the unit prior to June 6, 1996. The facility operating record must also include the owner or operator's schedule to obtain an approved closure plan, or to cease adding hazardous waste to that unit, no later than December 8, 1997.

The December 6, 1994 published rule allowed an extended effective date and compliance date for tanks in which stabilization operations are performed, to allow interested parties time to submit data to the EPA and to allow EPA time to review that data (59 FR at 62897). The effective date for such tanks was originally December 6, 1995. Since the publication of that final rule, the effective date of the final standards for all rule provisions has been extended

until June 6, 1996 (60 FR 56952). Therefore, the EPA no longer considers it necessary to provide a separate compliance schedule for tanks in which stabilization operations are performed, and the effective date for such tanks will be the June 6, 1996 effective date of the final rule.

4. Standards: General

The owner or operator must install and operate the specified air emission controls on every affected tank, surface impoundment, and container used in the waste management sequence from the point of waste origination through the point where the organics in the waste are removed or destroyed by a process in accordance with the requirements of the rule. The final rule provides seven options by which an owner or operator may demonstrate that the required treatment or destruction of organics has been accomplished, as specified in § 265.1083(c)(2) (i) through (vii). Depending on the nature of the affected hazardous waste, the process through which the waste has been managed, or the treatment applied to the waste, one or more of these seven demonstration options may not be appropriate for a given waste stream. In recognition of this, the EPA chose to allow seven different options to demonstrate that effective treatment has been accomplished; the EPA recognizes that not all of these seven options will be practical for demonstrations of all waste treatment scenarios. However, the EPA believes that the variety of waste treatment demonstrations allowed in the final subpart CC rules does offer at least one demonstration alternative for most, if not all, reasonable waste treatment scenarios.

Paragraph (c)(2)(iii) of §§ 264.1082 and 265.1083 is one of the seven options to demonstrate that waste has been treated to effectively reduce the organics in accordance with the requirements of the final subpart CC standards. In the December 6, 1994 published rule, this option required that the ''actual organic mass removal rate (MR) for the process is greater than the required organic mass removal rate (RMR) for the process.'' The EPA had intended this provision to specify that the MR for the process must be greater than or equal to the RMR. The EPA is amending this provision to clarify that intent.

The seven options in § 265.1083(c)(2) refer to a waste treatment process that accomplishes specified organic destruction or removal. As the term ''process'' is used in these requirements, the EPA refers to either a single waste treatment unit, or a series of waste treatment units. If a facility uses a series of waste treatment units, the applicable exemption from controls applies to units downstream of the point where the necessary removal or destruction occurs. Thus, points downstream of the unit which accomplishes the 95th percentile reduction would not be required to install and operate air emission controls.

Similarly, the requirement for covers on tanks and surface impoundments do not apply to tanks or surface impoundments in which biological degradation of the organics in the hazardous waste treated in the unit is demonstrated to achieve specific performance levels. Either of the following sets of conditions, as described in paragraph (c)(2)(iv) of § 264.1082 and § 265.1083, must be demonstrated to qualify for this exemption: (1) The organic reduction efficiency for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency for the process is equal to or greater than 95 percent; or (2) the total actual organic mass biodegradation rate for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (59 FR at 62915). A biological treatment unit that is operated within a series of units would not be required to be equipped with a cover provided that series of units met one of the treatment demonstration options in § 265.1083(c)(2), and the biological treatment unit occurred in the series at the point where the necessary treatment was achieved. In the case of a treatment series that achieved a 95 percent reduction in organics by weight as demonstrated by the requirements of § 265.1083(c)(2)(ii), the biological treatment unit could operate without a cover provided that it was the unit achieving the 95th percent control for the affected waste streams. However, if the placement of the biological treatment unit in the treatment series was prior to the achievement of the 95th percent organic reduction, the biological treatment unit must operate with a cover and air emission controls.

Paragraph (d) in §§ 264.1082 and 265.1083 of the final rule indicated that certain materials that are not hazardous wastes must be controlled in accordance with the subpart CC standards. These final standards are only applicable to RCRA hazardous waste. The EPA is amending §§ 264.1082(d) and 265.1083(d) to clarify that non-hazardous wastes are not subject to the subpart CC standards. (This means, incidentally, that wastes that become exempt from RCRA subtitle C by virtue of an exemption such as the Bevill amendments (codified at 261.4(b)(7)) or the domestic sewage exclusion (codified at 261.4(a)(1)) would not be subject to the subpart CC rules.) In making this clarification, the EPA also notes that it is not addressing here (or in any way reopening) the issue of the types of treatment standards under the Land Disposal Restriction program to which hazardous waste treatment residues could be subject before land disposal. Such treatment standards could apply to spent treatment residues that are not themselves identified or listed as a hazardous waste. See 58 FR at 29866–868 and 29871–72 (May 24, 1993) and *Chemical Waste Management* v. *EPA*, 976 F.2d 2, 16–18 (D.C. Cir. 1992), cert. denied 113 S. Ct. 1961 (1993). This same caveat applies with respect to the spent activated carbon residue discussed at section 9 below.

5. Waste Determination Procedures

Under the final subpart CC standards, a TSDF owner or operator is not required to determine the volatile organic concentration of the waste if it is placed in a tank, surface impoundment, or container using the required air emission controls. However, an owner or operator must perform a determination of the average volatile organic (VO) concentration for each hazardous waste placed in a waste management unit exempted from using air emission controls based on the VO concentration of the waste at its point of waste origination. The EPA is amending paragraphs (a)(1) and (b)(1) of § 264.1083 to clarify this requirement.

The determination of the volatile organic concentration of hazardous waste under the final subpart CC standards is based on the organic composition of the waste at the ''point of waste origination.'' The ''point of waste origination'' is defined in § 265.1081 of the final rule with respect to the point where the TSDF owner or operator first has possession of a hazardous waste. This definition specifies that when the TSDF owner or operator is the generator of the hazardous waste, the ''point of waste origination'' means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in 40 CFR part 261. In such a case, the owner or operator may sample the hazardous waste at its point of origination, or may sample the waste at a point downstream from the point of origination, provided the downstream sampling point provides an accurate representation of the waste volatile organic concentration as it was at the point of waste origination. Simply put, an owner or operator may sample

downstream of the point of origination provided the waste has not been altered, mixed with other materials, or allowed to release any volatile organic components prior to sampling. When neither the TSDF owner or operator is the generator of the hazardous waste, the ''point of waste origination'' means the point where the owner or operator accepts delivery or takes possession of the hazardous waste. The EPA considers this to be the point when and where the TSDF owner or operator accepts the waste manifest document for the hazardous waste.

The preamble to the final subpart CC rule incorrectly stated that to calculate the average of a waste stream using direct measurement, ''a sufficient number of samples, but no less than four, must be collected to represent the complete range of organic compositions and organic quantities that occur in the hazardous waste stream during the entire averaging period'' (59 FR at 62916). The intended rule requirement to take a minimum number of four waste samples is for the performance of one single waste determination. The requirement for four individual samples is intended to compensate for both variations in the methodology and variations within a waste stream that may be due to non-homogeneous waste mixtures. It is not acceptable to take four or more individual samples of a waste stream, mix the samples, then perform a method 25D analysis on the mixture. The requirements of § 265.1084(a)(5)(iv) specify the procedure by which the four or more samples be analyzed by method 25D individually, and the results mathematically averaged to produce one waste determination result. This process accounts for test method variability as well as variability in the waste stream and the waste samples.

The EPA recognizes that not all hazardous waste regulated by the subpart CC standards is liquid or aqueous. Therefore, § 4.1.4 of method 25D (40 CFR part 60, appendix A) includes a sampling technique for solid materials. For wastes that are solid or semi-solid, a representative sample is obtained by placing a 10 gram sample of the waste material into a vial containing the specified 30 mL of polyethylene glycol. Once the sample is obtained, the method 25D analysis is performed as it would be on any other waste sample.

To calculate an average volatile organic concentration for a waste stream that has variations in the organic concentration, the owner or operator must perform the number of waste determinations that are necessary to adequately demonstrate that the waste stream volatile organic concentration meets the applicable criteria. An owner or operator may choose to perform a waste determination at a point where they know the waste stream is at its maximum volatile organic concentration for the averaging period. If the resulting average of the four required Method 25D sample runs yields a volatile organic concentration below 100 parts per million by weight (ppmw), the owner or operator would not need to perform additional waste determinations for that averaging period. However, if the owner or operator was not able to perform a waste determination at the point of the waste stream's maximum volatile organic concentration, they could be required to perform additional waste determinations during the averaging period to sufficiently calculate a mass-weighted average volatile organic concentration. The final subpart CC standards specify that the facility owner or operator enter into the facility record a test plan that demonstrates how they will perform a representative volatile organic concentration determination.

The final subpart CC rules require that a waste determination be performed prior to the first time a hazardous waste is placed in an affected unit on or after June 6, 1996. Section 265.1084(a)(2) (i) and (ii) specify the process to determine the average VO concentration for waste streams generated as part of a continuous process or generated as part of a batch process that is performed repeatedly but not necessarily continuously. The EPA is amending § 265.1084(a)(2) to clarify that for waste generated as part of a batch process that is not performed repeatedly, the owner or operator shall perform a waste determination of the VO concentration of the waste in the batch. The EPA is amending § 265.1084(b)(2) to clarify the similar waste determination procedures for treated hazardous waste.

The procedures in paragraphs (a)(5), (a)(6) and (b)(4) of § 265.1084 for determining the average VO concentration of a hazardous waste require that the owner or operator have sufficient knowledge of any variations in the volatile organic concentration of their affected waste streams throughout the averaging period. An owner or operator who does not have sufficient knowledge of variations in the VO concentration of their waste stream prior to June 6, 1996, may not be eligible to determine compliance with the final rule using the average VO concentration for their affected waste streams. The option to use an average volatile organic waste concentration requires sufficient knowledge of the waste stream, and if that knowledge is not available, the option is not allowed. In such a case, the owner or operator would be required to install and operate air emission controls on each affected unit receiving hazardous waste on or after June 6, 1996 (as required by paragraph (b) of § 264.1082 and § 265.1083), or to determine that at no time waste with a VO concentration greater than or equal to 100 ppmw is placed in a unit not equipped with the required air emission controls (as required by paragraph (c) of § 264.1082 and § 265.1083). In essence, each and every portion of the hazardous waste entering the unit would be considered to be a discrete quantity that is not generated as part of a batch process; therefore, the average VO concentration of each of these discrete quantities of waste would be the same as its measured VO concentration (as described in § 265.1084(a)(2)(iii) and § 265.1084(b)(2)(iii), as amended by today's action).

In § 265.1084(a)(5)(v)(C) the equation to determine the average VO concentration of the hazardous waste at the point of waste origination was printed with an incorrect symbol representing the average VO concentration of the hazardous waste at the point of waste origination. The EPA is revising that equation to specify the correct symbol.

Section 265.1084(a)(6)(iii) of the final subpart CC standards allows an owner or operator to determine the volatile organic concentration of a hazardous waste using knowledge that is based on information supplied by the generator of the waste. The generator-prepared information can be included in manifests, shipping papers, or waste certification notices accompanying the waste shipment, as agreed upon between the waste generator and the TSDF owner or operator. The subpart CC final rules do not impose requirements for a generator to provide such documentation to a TSDF. Rather, where such information does exist, the TSDF owner or operator has the option to use that information to perform the volatile organic waste determination or the volatile organic vapor pressure determination upon accepting delivery or taking possession of the hazardous waste. The EPA is amending paragraph (b)(8) of § 264.13 and § 265.13 to clarify this intent. The validity of any information used to comply with these final standards is the responsibility of the owner or operator who has custody of the waste. Therefore, a TSDF owner or operator should rely on waste information only if it is provided by a source in whose accuracy they have confidence.

The December 6, 1994 published rule incorrectly referenced the requirements by which waste streams entering a process must be measured, at § 265.1084(b)(6)(iii)(B) and in the nomenclature for C_{Bj} at § 265.1084(b)(6)(iv). The EPA is amending these provisions to reference the requirements contained in paragraph (a)(5)(iv). The EPA is also amending the nomenclature for Q_{Aj} in § 265.1084(b)(6)(iv) to clarify that it represents the mass quantity of waste exiting the process.

To determine the maximum organic vapor pressure of a hazardous waste in a tank using Method 25E, an owner or operator shall collect a minimum of three waste samples. It was the intent of the EPA to defer to the Clean Air Act General Provisions contained in § 60.8(f) to specify the number of samples required for a Method 25E analysis. However, the subpart CC standards are not subject to § 60.8(f); therefore, this information was not referenced for the final subpart CC standards. The EPA is amending the requirements of paragraph 265.1084(c) to require that, unless otherwise specified in the method being used, a minimum of three samples shall be taken when using any of the methods listed in § 265.1084(c)(3)(ii). To perform a Method 25E analysis, each of these samples shall be analyzed separately, and the result of the analysis mathematically averaged. The requirements of Method 25E specify the procedure to analyze the samples and mathematically average the analytical results.

6. Standards: Tanks

In the final subpart CC tank standards, paragraph (b)(4) of § 264.1084 and § 265.1085 allows the use of a pressure tank to manage affected hazardous waste. The EPA did not intend to specify operating conditions or a minimum internal pressure that must be met to comply with the option. For the purpose of complying with this provision of the subpart CC standards, the EPA is clarifying that a pressure tank must be designed and operated such that the internal pressure is above atmospheric pressure and the tank operates as a closed system, with no detectable emissions occurring during routine operations including filling and emptying (BID p. 6–51). Therefore, the tank must be designed and operated to withstand the pressure of having the vapor space of the waste compressed until the tank is filled to design capacity. The EPA is amending the tank standards to clarify this requirement.

The EPA intended that the final subpart CC standards allow tanks to operate with a fixed-roof type cover without any additional air emission controls provided certain conditions were met (59 FR at 62917). As published in the December 6, 1994 final standards, paragraph (c) of § 264.1084 and § 265.1085 did not correctly convey the EPA's intent for this provision. The EPA is revising these paragraphs of the tank standards to clarify that for the purposes of compliance with the subpart CC standards, tanks meeting the specified waste management requirements can operate fixed-roof type covers without additional air emission controls.

One of the conditions that must be met for this provision is that no turbulent agitation may occur on the surface of the waste, as described in paragraph (c)(1) of § 264.1084 and § 265.1085. Such turbulence on the surface of a waste increases emission of organics from the waste to the air. This cover-only option was provided for tanks that are used for waste storage, and in which no waste treatment is occurring. The cover-only option of paragraph (c)(1) does not provide effective emission control for waste that is managed such that there is visible turbulent flow on the surface of the waste. The EPA considers that the requirements of paragraph (c)(1) are consistent with the provisions of the New Source Performance Standard for volatile organic liquid storage vessels under 40 CFR part 60, subpart Kb, after which the technical requirements for fixed-roof covers were modelled. The EPA does not intend to specify a test to measure turbulent flow, or to otherwise narrowly define the conditions that meet this paragraph. The EPA does wish to clarify that for a tank through which the waste surface is not viewable, an owner or operator may elect to use engineering calculations and modelling to determine if the surface of the hazardous waste managed in a tank has turbulent flow that would be visible.

The EPA recognizes that, for certain hazardous wastes managed in tanks, it may be necessary to continuously mix, stir or circulate the waste inside the tank during normal storage operations. For instance, the properties of the waste may be such that it is necessary to continuously stir the waste to prevent phase separation or to prevent the waste from solidifying. Paragraph (c)(1) of § 264.1084 and § 265.1085 prohibits such activities if they result in splashing, frothing, or visible turbulent flow on the surface of the waste. However, an owner or operator may perform continuous or frequent mixing operations in a cover-only tank, provided the operation does not cause visible turbulent flow on the surface of the waste. To be allowed under the requirements of paragraph (c)(1), such a mixing operation must be designed and performed to operate without causing visible turbulent flow on the waste surface. To design and operate a mixing system to ensure that visible turbulent flow does not occur, the owner or operator must consider all relevant factors, including mixing speed, position of the mixing apparatus, and waste level in the tank. If the mixing apparatus is positioned and designed such that visible turbulent flow occurs when the waste is below a certain level in the tank, the mixing operation must be ceased when the waste is not above that level in the tank. During such a period, visible turbulent flow on the surface of the waste would be allowed if it resulted from an intermittent required operation, such as loading waste into the tank.

The EPA recognizes that owners or operators may need to mix, stir or circulate the waste that is stored in tanks to occasionally perform certain necessary operations, and these actions may result in splashing, frothing, or visible turbulent flow. Examples of this include mixing waste contents at sample times to facilitate obtaining a representative waste sample, and causing visible turbulent flow on the waste surface during transfer of hazardous waste into or from the tank. In such a situation, there would be a mixing apparatus available to be used in the tank, but this apparatus would not be in use during normal waste storage operations. The EPA considers some degree of splashing, frothing, or visible turbulent flow to be allowable, provided that the activity causing this condition is waste sampling, waste transfer, or a similar necessary operation that is performed infrequently. The requirements of § 264.1084(c)(1) and § 265.1085(c)(1) specify that the disallowed waste management activities must not be part of the normal process operations for that tank. The EPA intends that provision to prohibit continual or usual performance of such procedures, but allow the procedure when necessary to perform intermittent operations, such as waste sampling or waste transfer (BID p. 6–54). Therefore, a tank for which the waste transfer operation is continuous or occurs frequently and causes visible turbulent flow, should be equipped with organic emission controls in accordance with paragraph (b) of § 264.1084 and § 265.1085. Similarly, the EPA intends that this clarification also apply to hazardous waste management in surface impoundments complying with the

floating membrane cover provisions of § 264.1085(c) and § 265.1086(c).

An additional condition that must be met for the fixed-roof cover control option requires that the waste managed in the unit have a volatile organic vapor pressure below certain limits based on the capacity of the tank, as described in paragraph (c)(4) of § 264.1084 and § 265.1085. The waste managed in the tank must meet the appropriate volatile organic vapor pressure limits at the highest vapor pressure that will occur under normal operating conditions. Unlike the waste volatile organic concentration determination which must represent individual waste streams prior to mixing or dilution, the waste organic vapor pressure determination must indicate the vapor pressure of the actual mixture of waste that is managed in the tank. The waste organic vapor pressure to be compared to the limits specified in § 264.1084(c)(4) and § 265.1085(c)(4) of the final rule is the highest pressure present among any temperatures at which the waste is present in the tank.

The EPA had intended the final subpart CC standards to allow fixed-roof covers on tanks to be equipped with one or more pressure relieving devices that vent directly to the atmosphere to allow for the relief of pressure or vacuum caused by normal operations (BID p. 6–47). For the purposes of this provision the EPA requires that the pressure relieving device be a normally closed device that opens only when a pressure or vacuum is created in the unit. The EPA does not intend to specify parameters for the operation or setting of such pressure relieving device, but rather has established a performance standard that the facility owner or operator design and operate the conservation vents so that emissions to the atmosphere are minimized, yet tank integrity is protected, in accordance with sound engineering design specifications and practices appropriate for the affected tank. This provision is clarified in the amendments to paragraph (c) of § 264.1084 and § 265.1085. This allowance for pressure relieving devices differs from the final rule allowance for safety devices described in paragraph (g) of § 264.1084 and § 265.1085, which are only allowed to vent to the atmosphere during unplanned events. Units not eligible to be equipped with pressure relieving devices that open during normal operations include pressure tanks, and tanks equipped with floating roofs.

7. Standards: Surface Impoundments

In the December 6, 1994 published rule, paragraph (d) of § 264.1085 and § 265.1086 incorrectly referenced paragraph (b)(1), which does not exist. The EPA is amending paragraph (d) of these sections to reference paragraph (b), as intended.

8. Standards: Containers

In § 264.1086 and § 265.1087, paragraph (b)(1) lists three options to demonstrate compliance for containers used to manage hazardous waste subject to subpart CC. The first option, in paragraph (b)(1)(i), specifies that the container operates with no detectable emissions as tested by Method 21 in 40 CFR part 60 appendix A. This option is appropriate for any container subject to subpart CC, including the types of containers specified in the second and third options. The second option, in paragraph (b)(1)(ii), is a container with a capacity of 0.46 cubic meters, which complies with all Department of Transportation regulations for packaging hazardous waste for transport under 40 CFR part 178. The third option, in paragraph (b)(2)(iii), is a tank truck or rail car that has been demonstrated within the previous 12 months to be organic vapor tight using the pressure test specified in Method 27 of 40 CFR part 60 appendix A. The EPA has received several questions regarding the applicability of Method 27 for use on vehicular containers that are not equipped with a vapor recovery system. This method is a pressure test procedure originally developed by the EPA for determining the vapor-leak tightness of a gasoline tank truck equipped with a vapor recovery system. The EPA also considers Method 27 appropriate on tank trucks and rail cars that are used to manage hazardous waste, regardless of whether the tank truck or rail car is equipped with a vapor recovery system. As described above, an owner or operator of a tank truck or rail car has the option to comply with paragraph (b)(1)(i), and demonstrate no detectable emissions by Method 21, as does the owner or operator of any container equal to or less than 0.46 m^3 in capacity.

Paragraph (b)(2)(ii) of § 264.1086 and 265.1087 of the December 6, 1994 final standards describes the criteria for an enclosure in which stabilization operations performed in open containers must be located. In describing the requirements for the enclosure, the EPA had intended to paraphrase the specifications of Procedure T in Appendix B to § 52.741, titled ''Criteria for and Verification of a Permanent or Temporary Total Enclosure.'' To better clarify the intended requirements for container enclosures, the EPA is revising the enclosure requirements of paragraph (b)(2)(ii) to specifically reference Procedure T in § 52.741, Appendix B.

The waste transfer requirements specified in paragraph (b)(3) of § 264.1086 and § 265.1087 of the final rule for containers are intended to reduce exposure of hazardous waste to the atmosphere. Paragraph (b)(3)(i) specifically describes submerged-fill techniques to be used; however, the EPA does not intend that submerged-fill be performed in situations where the process of submerged-fill increases waste exposure to the atmosphere, or worker exposure to hazardous wastes. Certain splash loading operations are performed through a fitted opening in the top of a container, and the transfer line is subsequently purged with nitrogen gas to clean the interior of the line before it is removed from the container opening. This transfer practice could result in less waste exposure than a submerged-fill practice performed for the same waste and container. Another container loading practice is vapor balancing, in which the vapors displaced by transferring waste into a container are routed to the unit from which the waste was transferred. Thus, the EPA is adding clarifying language to the container transfer requirements of paragraph (b)(3) in § 264.1086 and § 265.1087 to direct owners or operators to transfer waste using the procedure that will minimize exposure of waste to the atmosphere.

The submerged filling procedure described in the final subpart CC standards is one procedure that may be appropriate for waste transfer into containers, but the EPA is amending these provisions to direct owners or operators to employ the container filling practice most appropriate for their facility operation.

The EPA originally intended the subpart CC final rules to allow containers to vent emissions directly to the atmosphere during filling operations. The December 6, 1994 final rules only allowed for venting through the opening through which waste was transferred. The EPA intended to allow venting during waste transfer operations either through the opening through which the waste is transferred, or through a second opening that would serve as a vent. In addition to the amendment to paragraph (b)(3) described above, the EPA is amending paragraph (c) of § 264.1086 and § 265.1087 to clarify this venting allowance.

9. Closed-Vent Systems and Control Devices

The final subpart CC standards added requirements for the management of

spent carbon removed from a carbon adsorption system used to comply with the subpart AA, BB, and CC standards. The EPA is clarifying that the carbon management requirements are only applicable to carbon that is hazardous waste. Spent carbon is hazardous if it exhibits a characteristic of hazardous waste or if it is listed. Spent carbon deriving from the treatment of listed hazardous waste is considered to be a type of listed waste by virtue of the derived from rule found at § 261.3(c)(2). See also 56 FR at 7200 (February 21, 1991).

The EPA is amending the spent carbon management requirements of §§ 264.1033(m) and 265.1033(l), and paragraph (c)(3)(ii) of § 264.1087 and § 265.1088 to clarify the intent described today. The EPA is also revising §§ 264.1033(m) and 265.1033(l) to allow management of affected spent carbon to be conducted in certain interim status units in addition to the permitted units specified in the December 6, 1994 published rule.

10. Inspection and Monitoring Requirements

As published in the December 6, 1994 final rule, §§ 264.1033(k)(2) and 265.1033(j)(2) allowed that after the required initial leak detection monitoring, an owner or operator is not required to conduct annual monitoring on those closed-vent system components which continuously operate in vacuum service. The EPA had intended that this allowance apply to system components continuously operating under negative pressure, because such systems would not release constituents to the atmosphere even if there were a rupture or other loss of integrity to the component (BID p. 6–100). However, the EPA specified the term ''in vacuum service,'' which requires that a system operate at an internal pressure at least 5 kPa below ambient pressure, under the assumption that systems operating under negative pressure would meet this requirement. The use of the term ''in vacuum service'' has prompted several questions from the public asking EPA to clarify whether systems operated under negative pressure, but not necessarily in vacuum service, must be monitored annually after the initial leak detection monitoring. The EPA had intended to not require annual monitoring of closed-vent system components which operate under pressure such that all emissions are routed to a control device even if a leak or hole exists in the component. A component that continuously operates under negative pressure would satisfy this intent, even if the component does not necessarily operate in vacuum service. Therefore, the EPA is amending §§ 264.1033(k)(2) and 265.1033(j)(2) to specify that, after the initial leak detection monitoring, an owner or operator is not required to monitor system components which continuously operate under negative pressure.

As published in the December 6, 1994 standards, the reference in paragraph (d) of § 264.1088 and § 265.1089 incorrectly specified that certain control devices used to comply with the subpart CC standards must be inspected and monitored in accordance with the procedures specified in § 264.1033(f). The EPA had intended that this reference should be to § 264.1033(f)(2). The EPA is amending paragraph (d) in § 264.1088 and § 265.1089 to correct this reference and to clarify the frequency of monitoring and the requirement for corrective measures.

11. Recordkeeping Requirements

The EPA is amending § 264.1089(a)(1) and § 265.1090(a)(1) such that these paragraphs correctly reference paragraph 265.1091(a) of the alternative tank control requirements. The EPA is also amending § 264.1089(e) and § 265.1090(e) such that these paragraphs correctly specify recordkeeping requirements for a hazardous waste incinerator and boiler or industrial furnace used to comply with the treatment demonstration options in § 264.1082 and § 265.1083. These amendments clarify references that were incorrectly printed in the December 6, 1994 published standards (59 FR 62896).

12. Reporting Requirements

The EPA is amending § 264.1090 (c) and (d) to clarify what noncompliance occurrences for control device operations a facility owner or operator must report to their Regional Administrator.

13. Alternative Control Requirements for Tanks

Paragraph 265.1091(a)(1)(i) of the final subpart CC standards specifies filling requirements for a tank equipped with an internal floating roof. The requirement is that when the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible. The intent of this requirement is to minimize the time during which a vapor space exists between the floating roof and the stored waste. EPA recognizes that facility owners or operators may not have full control over the amount and handling of waste transferred into their tanks, and this may lead to periods when the filling of a tank may not be continuous. Therefore, the EPA is clarifying this requirement to state that the process of filling shall be as continuous as possible, based on the amount of waste and the nature of the waste handling operation.

14. Immediate Effective Date

The EPA has determined to make today's action effective immediately. The EPA believes that the corrections being made in this document are either interpretations of existing regulations which do not require prior notice and opportunity for comment, or are technical corrections of obvious errors in the published rule (for example corrections of regulatory language that is inconsistent with the preamble, BID, or with otherwise clearly indicated EPA intent) for which comment is unnecessary (within the meaning of 5 USC 553(b)(3)(B)). In addition, the EPA notes that many of these clarifications result from the public comment obtained at various public meetings regarding the subpart CC standards that were held during the summer of 1995. Thus, the EPA has provided for a measure of opportunity to comment.

Docket. Five RCRA dockets contain information pertaining to today's rulemaking: (1) RCRA docket number F–91–CESP–FFFFF, which contains copies of all BID references and other information related to the development of the rule up through proposal; (2) RCRA docket number F–92–CESA–FFFFF, which contains copies of the supplemental data made available for public comment prior to promulgation; (3) RCRA docket number F–94–CESF–FFFFF, which contains copies of all BID references and other information related to development of the final rule following proposal; (4) RCRA docket number F–94–CE2A–FFFFF, which contains information pertaining to waste stabilization operations performed in tanks; and (5) RCRA docket number F–95–CE3A–FFFFF, which contains information about potential final rule revisions made available for public comment. The public may review all materials in these dockets at the EPA RCRA Docket Office.

The EPA RCRA Docket Office is located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Hand delivery of items and review of docket materials are made at the Virginia address. The public must have an appointment to review docket materials. Appointments can be scheduled by calling the Docket Office at (703) 603–9230. The mailing address for the RCRA Docket Office is RCRA

Information Center (5305W), 401 M Street SW., Washington, DC 20460. The Docket Office is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays.

Legal Authority

These regulations are amended under the authority of sections 2002, 3001–3007, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by RCRA, as amended (42 U.S.C. 6921–6927, 6930, and 6974).

List of Subjects

40 CFR Part 262

Environmental protection, Accumulation time, Air pollution control, Container, Tank.

40 CFR Parts 264 and 265

Air pollution control, Container, Control device, Hazardous waste, Incorporation by reference, Inspection, Miscellaneous unit, Monitoring, Reporting and recordkeeping requirements, Standards, Surface impoundment, Tank, TSDF, Waste determination.

40 CFR Part 270

Administrative practice and procedure, Air pollution control, Confidential business information, Hazardous waste, Permit, Permit modification, Reporting and recordkeeping requirements.

Dated: December 18, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, parts 262, 264, 265, 270, and 271 of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912(a), 6922, 6923, 6924, 6925, 6937 and 6938, unless otherwise noted.

§ 262.34 [Amended]

2. Section 262.34(a)(1)(i) is amended by inserting a comma after ''subparts I'' to read ''subparts I, AA, BB and CC''.

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

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

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

Subpart B—General Facility Standards

4. Section 264.13 is amended by revising paragraphs (b)(8) (i) and (ii) to read as follows:

§ 264.13 General waste analysis.

* * * * *

(b) * * *

(8) * * *

(i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

Subpart AA—Air Emission Standards for Process Vents

5. In § 264.1033 the second sentence of paragraph (a)(2) is revised, paragraph (k)(2) is revised, and paragraph (m) is revised to read as follows:

§ 264.1033 Standards: Closed-vent systems and control devices.

(a) * * *

(2) * * * The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup.

* * *

* * * * *

(k) * * *

(2) Closed-vent systems shall be monitored to determine compliance with this section during the initial leak detection monitoring, which shall be conducted by the date that the facility becomes subject to the provisions of this section, annually, and at other times as requested by the Regional Administrator. For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components which continuously operate under negative pressure or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

* * * * *

(m) The owner or operator using a carbon adsorption system shall document that all carbon removed that is a hazardous waste and that is removed from a carbon adsorption system used to comply with § 264.1033(g) and § 264.1033(h) is managed in one of the following manners, regardless of the volatile organic concentration of that carbon:

(1) Regenerated or reactivated in a thermal treatment unit for which the owner or operator has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of subpart X of this part;

(2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of subpart O of this part; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 265, subpart O; or

(3) Burned in a boiler or industrial furnace for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 266, subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

* * * * *

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

§ 264.1082 [Amended]

6. In § 264.1082 paragraph (c)(2)(iii) is amended by revising ''removal rate (MR) for the process is greater'' to read ''removal rate (MR) for the process is equal to or greater''.

7. In § 264.1082 paragraph (d) is amended by revising ''that is not a hazardous waste but has an average VO concentration equal to or greater than 100 ppmw shall'' to read ''that is a hazardous waste shall''.

§ 264.1083 [Amended]

8. In § 264.1083 paragraph (a)(1) is amended by revising ''placed in waste management units'' to read ''placed in a waste management unit''.

9. In § 264.1083 paragraph (b)(1) is amended by revising ''placed in waste management units'' to read ''placed in a waste management unit''.

10. Section 264.1084 is amended by adding the following sentence to the end of paragraph (b)(4), and revising paragraph (c) to read as follows:

§ 264.1084 Standards: Tanks.

* * * * *

(b) * * *

(4) * ** To be considered a pressure tank for the purpose of compliance with this subpart, a unit must operate with no detectable emissions during filling to design capacity and the subsequent compression of the vapor headspace.

* * * * *

(c) As an alternative to complying with paragraph (b) of this section, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in paragraph (c)(2) of this section when the hazardous waste is determined to meet the conditions specified in paragraph (c)(1) of this section.

(1) All of the following conditions shall be met at all times that hazardous waste is managed in the tank under normal process operations:

(i) The hazardous waste in the tank is neither mixed, stirred, agitated, nor circulated within the tank using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

(ii) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

(iii) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

(iv) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in § 264.1083(c) of this subpart is less than the following applicable value:

(A) If the tank design capacity is equal to or greater than 151 m^3, then the maximum organic vapor pressure shall be less than 5.2 kPa;

(B) If the tank design capacity is equal to or greater than 75 m^3 but less than 151 m^3, then the maximum organic vapor pressure shall be less than 27.6 kPa; or

(C) If the tank design capacity is less than 75 m^3, then the maximum organic vapor pressure shall be less than 76.6 kPa.

(2) To comply with paragraph (c)(1) of this section, the owner or operator shall design, install, operate, and maintain a cover to meet the following requirements:

(i) The cover and all cover openings (e.g. access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

(ii) Each cover opening shall be secured in a closed, sealed position (e.g. covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in paragraphs (c)(2)(iii), (f)(1), and (f)(2) of this section.

(iii) One or more pressure relief devices which vent directly to the atmosphere may be used on the cover provided that each device remains in a closed, sealed position at all times except when tank operating conditions require that the device open for the purpose of preventing physical damage or permanent deformation of the tank or cover in accordance with good engineering design practices and the equipment manufacturer's recommendations. The device must be operated to minimize organic air emissions to the atmosphere to the extent practical, in consideration of good design and safety practices for handling hazardous materials. Examples of such devices include pressure-vacuum relief valves and conservation vents. Examples of tank operating conditions that may require the pressure relief device to open are filling and emptying of the tank, and internal pressure changes caused by diurnal temperature changes.

* * * * *

§ 264.1084 [Amended]

11. Section 264.1084(e) introductory text, is amended by revising ''or other closed-systems, EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a 'closed systems''' to read ''or other closed systems for the transfer of hazardous waste as described in paragraph (e)(1) or (e)(2) of this section. The EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a closed system.''

§ 264.1085 [Amended]

12. In § 264.1085 paragraph (d) introductory text, is amended by revising ''paragraph (b)(1)'' to read ''paragraph (b)''.

13. In § 264.1085 paragraph (f) introductory text, is amended by revising ''or other closed-systems, EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a 'closed system''' to read ''or other closed systems for the transfer of hazardous waste as described in paragraph (f)(1) or (f)(2) of this section. The EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or 40 CFR 61.346(b)(1) through (b)(3) to be a closed system.''

§ 264.1086 [Amended]

14. Section 264.1086(b)(1) is amended by revising ''as required by paragraph (b)(2) to read ''in accordance with the requirements of paragraph (b)(2)''.

15. Section 264.1086 is amended by revising paragraph (b)(2)(ii)(B), adding paragraph (b)(2)(ii)(C), revising paragraph (b)(3) and revising paragraph (c) introductory text, to read as follows:

§ 264.1086 Standards: Containers.

(b) * * *

(2) * * *

(ii) * * *

(B) The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure.

(C) The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in Appendix B of § 52.741.

* * * * *

(3) Transfer of the waste into or from a container shall be conducted in such a manner as to minimize waste exposure to the atmosphere to the extent practical, considering good engineering and safety practices for handling hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this paragraph include using a submerged-fill method to load liquids into the container; using a vapor-balancing or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; and transferring waste through a conveyance tube that is fitted to a container opening above the liquid level to splash-fill the material, and subsequently purging the conveyance tube with gas prior to removing it from the container opening.

(c) Each container opening shall be maintained in a closed, sealed position (e.g. covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to have the opening open during procedures to:

* * * * *

16. In § 264.1087 paragraph (c)(3)(ii) is revised to read as follows:

§ 264.1087 Standards: Closed-vent systems and control devices.

* * * * *

(c) * * *

(3) * * *

(ii) All carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of § 264.1033(m) of this part, regardless of the VO concentration of the carbon.

* * * * *

17. Section 264.1088 is amended by revising paragraph (d) to read as follows:

§ 264.1088 Inspection and monitoring requirements.

* * * * *

(d) Each control device used in accordance with the requirements of § 264.1087 of this subpart shall be inspected and monitored by the owner or operator in accordance with the procedures specified in § 264.1033(f)(2) and § 264.1033(i) of this part. The readings from each monitoring device required by § 264.1033(f)(2) shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures should be immediately implemented to ensure the control device is operated in compliance with the requirements of § 264.1087 of this subpart.

* * * * *

§ 264.1089 [Amended]

18. Section 264.1089(a)(1) is amended by revising ''40 CFR 265.1091(c)'' to read ''40 CFR 265.1091(a)''.

19. Section 264.1089(e) is amended by revising ''§ 264.1082(c)(2)(v) or § 264.1082(c)(2)(vi)'' to read § 264.1082(c)(2)(vi) or § 264.1082(c)(2)(vii)''.

§ 264.1090 [Amended]

20. Section 264.1090(a) is amended by revising ''reoccurrence'' to read ''recurrence''.

21. Section 264.1090 is amended by revising the second sentence of paragraph (c) and by revising paragraph (d) to read as follows:

§ 264.1090 Reporting requirements.

(a) * * *

(c) * * * The report shall describe each occurrence during the previous 6-month period when either:

(1) A control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in § 264.1035(c)(4); or

(2) A flare is operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in § 264.1033(d). * * *

(d) A report to the Regional Administrator in accordance with the requirements of paragraph (c) of this section is not required for a 6-month period during which all control devices subject to this subpart are operated by the owner or operator such that:

(1) During no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in § 264.1035(c)(4); and

(2) No flare was operated with visible emissions for 5 minutes or longer in a two-hour period, as defined in § 264.1033(d).

22. Section 264.1091 is amended by adding paragraph (a)(3) to read as follows:

§ 264.1091 Alternative control requirements for tanks.

(a) * * *

(3) The owner or operator may elect to comply with § 264.1084 (b)(2) or (b)(3) of this subpart using an alternative means of emission limitation as specified in 40 CFR 265.1091(a)(3).

* * * * *

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

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

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

Subpart B—General Facility Standards

24. Section 265.13 is amended by revising paragraph (b)(8)(i) and (ii) to read as follows:

§ 265.13 General waste analysis.

* * * * *

(b) * * *

(8) * * *

(i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

(ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

Subpart AA—Air Emission Standards for Process Vents

25. In § 265.1033 the second sentence of paragraph (a)(2) is amended, paragraph (j)(2) is revised, and paragraph (l) is revised to read as follows:

§ 265.1033 Standards: Closed-vent systems and control devices.

* * * * *

(a) * * *

(2) * * * The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup.

* * *

* * * * *

(j) * * *

(2) Closed-vent systems shall be monitored to determine compliance with this section during the initial leak detection monitoring, which shall be conducted by the date that the facility becomes subject to the provisions of this section, annually, and at other times as requested by the Regional Administrator. For the annual leak detection monitoring after the initial leak detection monitoring, the closed-vent system components which continuously operate under negative pressure or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

* * * * *

(l) The owner or operator using a carbon adsorption system shall document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

(1) Regenerated or reactivated in a thermal treatment unit for which the owner or operator has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 264 subpart X;

(2) Incinerated in a hazardous waste incinerator for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the requirements of 40 CFR part 264 subpart O; or

(ii) Has certified compliance with the interim status requirements of subpart O of this part; or

(3) Burned in a boiler or industrial furnace for which the owner or operator either:

(i) Has been issued a final permit under 40 CFR part 270, and designs and operates the unit in accordance with the

requirements of 40 CFR part 266, subpart H; or

(ii) Has certified compliance with the interim status requirements of 40 CFR part 266, subpart H.

* * * * *

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

26. Section 265.1081 is amended by revising the definition of *Cover,* and adding a definition for *Enclosure* to read as follows:

§ 265.1081 Definitions.

* * * * *

Cover means a device or system which is placed on or over a hazardous waste to create an air-tight barrier between the entire hazardous waste surface area and the space surrounding the unit, such that air emissions to the atmosphere are reduced. A cover may have openings such as access hatches, sampling ports, and gauge wells that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is installed provided that each opening is closed and sealed when not in use. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, and a lid installed on a drum.

Enclosure means a structure that: (1) Surrounds a hazardous waste management unit, captures organic vapors emitted from that unit, and vents the vapors through a closed vent system to a control device; and (2) is designed and operated in accordance with the criteria for a permanent total enclosure as specified in ''Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure'' in Appendix B of § 52.741.

§ 265.1081 [Amended]

27. In § 265.1081, the definition of *Waste determination* is amended by revising ''determining the organic reduction efficiency'' to read ''the organic reduction efficiency'' and the definition of *Waste stabilization process* is amended by adding the sentence ''This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.'' to the end of the definition.

* * * * *

§ 265.1083 [Amended]

28. In § 265.1083 paragraph (c)(2)(iii) is amended by revising ''removal rate (MR) for the process is greater'' to read ''removal rate (MR) for the process is equal to or greater''.

§ 265.1083 [Amended]

29. In § 265.1083 paragraph (d) is amended by revising ''that is not a hazardous waste but has an average VO concentration equal to or greater than 100 ppmw shall'' to read ''that is a hazardous waste shall''.

30. Section 265.1084 is amended by adding paragraph (a)(2)(iii), revising paragraph (a)(5)(iv), introductory text, revising the equation and the first definition in paragraph (a)(5)(v)(C), adding paragraph (b)(2)(iii), revising paragraph (b)(4)(iv), introductory text, revising the first sentence of paragraph (b)(6)(iii)(B), revising the definitions of Q_{aj} and C_{bj} in paragraph (b)(6)(iv), and revising the first sentence of paragraph (c)(3)(i) to read as follows:

§ 265.1084 Waste determination procedures.

(a) * * *

(2) * * *

(iii) When the hazardous waste is generated as part of a batch process that is not performed repeatedly, the owner or operator shall perform a waste determination of the VO concentration of the waste in the batch. The result of this waste determination is the average VO concentration for that waste.

* * * * *

(5) * * *

(iv) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in paragraph (a)(5)(iii) of this section:

* * * * *

(v) * * *

(C) * * *

$$\overline{C} = \frac{1}{Q_T} \times \sum_{j=1}^{m} \left(Q_j \times C_j \right)$$

where:

$\overline{C}$=Average VO concentration of the hazardous waste, at the point of waste origination, ppmw.

* * * * *

(b) * * *

(2) * * *

(iii) When the hazardous waste is treated by a batch process that is not performed repeatedly, the owner or operator shall perform a waste determination for the treated waste in the batch. The result of this waste determination is the average VO concentration for that waste.

* * * * *

(4) * * *

(iv) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in paragraph (b)(4)(iii) of this section:

* * * * *

(6) * * *

(iii) * * *

(B) The VO concentration of each hazardous waste stream entering the process (C_b) during the run shall be measured in accordance with the requirements of paragraph (a)(5)(iv) of this section. * * *

(iv) * * *

Q_{aj} = Mass quantity of hazardous waste exiting process during run ''j'', kg/hr. * * *

C_{bj} = Measured VO concentration of hazardous waste entering process during run ''j'' as determined in accordance with the requirements of § 265.1084(a)(5)(iv), ppmw.

* * * * *

(c) * * *

(3) * * *

(i) Unless otherwise specified in the methods referenced in paragraphs (c)(3)(ii) (A) through (E) of this section, a sufficient number of samples, but no less than three samples, shall be collected to represent the waste contained in the tank. * * *

* * * * *

31. Section 265.1085 is amended by adding the following sentence to the end of paragraph (b)(4) and revising paragraph (c) to read as follows:

§ 265.1085 Standards: Tanks.

* * * * *

(b) * * *

(4) * * * To be considered a pressure tank for the purpose of compliance with this subpart, a unit must operate with no detectable emissions during filling to design capacity and the subsequent compression of the vapor headspace.

(c) As an alternative to complying with paragraph (b) of this section, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in paragraph (c)(2) of this section when the hazardous waste is determined to meet the conditions specified in paragraph (c)(1) of this section.

(1) All of the following conditions shall be met at all times that hazardous waste is managed in the tank, during normal process operations:

(i) The hazardous waste in the tank is neither mixed, stirred, agitated, nor circulated within the tank using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

(ii) The hazardous waste in the tank is not heated by the owner or operator

except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

(iii) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

(iv) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in § 265.1084(c) of this subpart is less than the following applicable value:

(A) If the tank design capacity is equal to or greater than 151 m^3, then the maximum organic vapor pressure shall be less than 5.2 kPa;

(B) If the tank design capacity is equal to or greater than 75 m^3 but less than 151 m^3, then the maximum organic vapor pressure shall be less than 27.6 kPa; or

(C) If the tank design capacity is less than 75 m^3, then the maximum organic vapor pressure shall be less than 76.6 kPa.

(2) To comply with paragraph (c)(1) of this section, the owner or operator shall design, install, operate, and maintain a cover to meet the following requirements:

(i) The cover and all cover openings (e.g. access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

(ii) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in paragraphs (c)(2)(iii), (f)(1), and (f)(2) of this section.

(iii) One or more pressure relief devices which vent directly to the atmosphere may be used on the cover provided that each device remains in a closed, sealed position at all times except when tank operating conditions require that the device open for the purpose of preventing physical damage or permanent deformation of the tank or cover in accordance with good engineering design practices and manufacturers recommendations. The device must be operated to minimize organic air emissions to the atmosphere to the extent practical, in consideration of good design and safety practices for handling hazardous materials. Examples of such devices include pressure-vacuum relief valves and conservation vents. Examples of tank operating conditions that may require the pressure relief device to open are filling and emptying of the tank, and internal pressure changes caused by diurnal temperature changes.

* * * * *

§ 265.1086 [Amended]

32. Section 265.1086(d) is amended by revising ''paragraph (b)(1)'' to read ''paragraph (b)''.

§ 265.1087 [Amended]

33. Section 265.1087(b)(1) is amended by revising ''as required by paragraph (b)(2)'' to read ''in accordance with the requirements of paragraph (b)(2)''.

34. Section 265.1087 is amended by revising paragraph (b)(2)(ii)(B), adding paragraph (b)(2)(ii)(C), revising paragraph (b)(3) and revising paragraph (c), introductory text, to read as follows:

§ 265.1087 Standards: Containers.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(B) The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or to direct airflow into the enclosure.

(C) The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in ''Procedure T—Criteria for and Verification of a Permanent of Temporary Total Enclosure'' in Appendix B of Section 52.741.

* * * * *

(3) Transfer of the waste into or from a container shall be conducted in such a manner as to minimize waste exposure to the atmosphere to the extent practical, considering good engineering and safety practices for handling hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this paragraph include using a submerged-fill method to load liquids into the container; using a vapor-balancing or a vapor-recover system to collect and control the vapors displaced from the container during filling operations; and transferring waste through a conveyance tube that is fitted to a container opening above the liquid level to splash-fill the material, and subsequently purging the conveyance tube with gas prior to removing it from the container opening.

(c) Each container opening shall be maintained in a closed, sealed position (e.g. covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to have the opening open during procedures to:

* * * * *

35. In § 265.1088 paragraph (c)(3)(ii) is revised to read as follows:

§ 265.1088 Standards: Closed-vent systems and control devices.

* * * * *

(c) * * *

(3) * * *

(ii) All carbon that is a hazardous waste and that is removed from the control device shall be managed in accordance with the requirements of § 264.1033(m) of this part, regardless of the VO concentration of the carbon.

* * * * *

36. In § 265.1089 paragraph (d) is revised to read as follows:

§ 265.1089 Inspection and monitoring requirements.

* * * * *

(d) Each control device used in accordance with the requirements of § 265.1088 of this subpart shall be inspected and monitored by the owner or operator in accordance with the procedures specified in § 265.1033(f)(2). The readings from each monitoring device required by § 265.1033(f)(2) shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures should be immediately implemented to ensure the control device is operated in compliance with the requirements of § 265.1088 of this subpart.

* * * * *

§ 265.1090 [Amended]

37. Section 265.1090(a)(1) is amended by revising ''as listed in § 265.1091(c)'' to read ''as listed in § 265.1091(a)''.

§ 265.1090 [Amended]

38. Section 265.1090(e) is amended by revising ''in accordance with § 265.1083(c)(2)(vi) or § 265.1083(c)(2)(v)'' to read ''in accordance with § 265.1083(c)(2)(vi) or § 265.1083(c)(2)(vii)''.

39. In § 265.1091 paragraph (a)(1)(i) is revised to read as follows:

§ 265.1091 Alternative tank control requirements.

(a) * * *

(1) * * *

(i) The fixed roof shall comply with the requirements of § 265.1085(d)(1) of this subpart. The internal floating roof shall rest or float on the waste surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof. The internal floating roof shall be floating on the waste surface at all

times, except during initial fill and during those intervals when the tank is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be as continuous as possible, based on the amount of waste and the nature of the waste handling operation, and shall be accomplished as rapidly as possible.

* * * * *

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE MANAGEMENT PROGRAM

40. The authority citation for Part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6925, 6927, 6939, and 6974.

Subpart B—Permit Application

§ 270.27 [Amended]

41. Section 270.27(a)(1) is amended by revising ''as listed in § 265.1091(c)'' to read ''as listed in § 265.1091(a)''.

§ 270.27 [Amended]

42. Section 270.27(a)(3) is amended by revising ''the specification listed in § 265.1087(b)(2)(ii)'' to read ''the specifications listed in § 264.1086(b)(2)(ii).''

* * * * *

[FR Doc. 96–1713 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0 and 1

[ET Docket No. 93–266; FCC 95–493]

Review of the Pioneer's Preference Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Memorandum Opinion and Order* (*MO&O*), the Commission denies the petition for reconsideration filed by Qualcomm Incorporated (Qualcomm) to the *Second Report and Order* (*Second R&O*) in this proceeding, and grants the petition for reconsideration filed by Celsat America, Inc. (Celsat) to the *Third Report and Order* (*Third R&O*). The Commission finds that there is no need to reconsider its determination of what constitutes innovative technology, as requested by Qualcomm; and finds that it is desirable to reconsider its decision to apply certain new pioneer's preference regulations to pioneer's preference requests accepted for filing on or before September 1, 1994, as requested by Celsat. This action is intended to affirm the Commission's pioneer's preference policies, consistent with Congressional directives.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Rodney Small, (202) 418–2452, Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *MO&O* adopted December 8, 1995, and released January 30, 1996. This action will not add to or decrease the public reporting burden. The full text of the Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Summary of MO&O

1. The pioneer's preference program provides preferential treatment in the Commission's licensing processes for parties that make significant contributions to the development of a new service or to the development of a new technology that substantially enhances an existing service. The program was established to foster new communications services and technologies and to encourage parties to submit innovative proposals in a timely manner. Under the pioneer's preference rules, a necessary condition for the award of a preference is that an applicant demonstrate that it has developed the capabilities or possibilities of a new technology or service, or has brought the technology or service to a more advanced or effective state. The applicant must also demonstrate that the new service or technology is technically feasible by submitting either the summarized results of an experiment or a technical showing. Finally, a preference is granted only if the service rules adopted are a reasonable outgrowth of the applicant's proposal and lend themselves to grant of a preference. A pioneer's preference recipient's license application is not subject to mutually exclusive applications.

2. The *Second R&O*, 60 FR 13636 (March 14, 1995), addressed proposals set forth in the *Notice of Proposed Rule Making*, 58 FR 57578 (October 26, 1993), in this proceeding and modified certain rules regarding the Commission's pioneer's preference program. Specifically, the *Second R&O* provided pioneers with a discount on license charges in services in which licenses are awarded by competitive bidding, and it also modified several administrative rules. In addition, the *Second R&O* also held that, where an ''innovative technology'' has developed or enhanced more than one service, the grant of a pioneer's preference in only one such service is sufficient incentive to encourage pioneering proposals to be submitted.

3. Qualcomm states that the Commission should reconsider its determination of what constitutes ''innovative technology.'' Qualcomm contends that four aspects of the *Second R&O* are not clearly defined. First, Qualcomm maintains that a technology should not be considered ineligible for a pioneer's preference merely because that technology could be used in an existing service; second, it requests that the Commission clarify that an innovative technology that can be applied to more than one new service should be eligible for a preference in all services that are not existing services; third, it requests that an innovator who develops a new technology that both significantly improves an existing service and that may also be used to provide a new service in a different band be eligible for a preference in the new service; and fourth, it requests that the Commission clarify what it means by a ''new service'' operating in a higher band. Qualcomm states that there may be some confusion on this point with respect to broadband Personal Communications Services (PCS). No party filed comments on Qualcomm's petition.

4. Legislation implementing domestically the General Agreement on Tariffs and Trade (GATT) was enacted on December 8, 1994, and contained an amendment to the Communications Act relating to the pioneer's preference program. Included in this amendment was Section 309(j)(13)(D), which specified new requirements regarding criteria, peer review, and unjust enrichment for pioneer's preference requests that were accepted for filing after September 1, 1994. In the *Third R&O*, 60 FR 32116 (June 20, 1995), the Commission implemented the new requirements specified in Section 309(j)(13)(D) and extended them to pioneer's preference requests filed on or before September 1, 1994 in proceedings that have not reached the tentative decision stage. The Commission stated that such action would further its

pioneer's preference policy in an auction environment. Also, the Commission imposed the requirement that pending pioneer's preference requests must be amended so as to conform to the new requirements—including an additional requirement adopted in the *Third R&O* and a requirement adopted in the *Second R&O*—no later than 30 days from the effective date of the rules established by the *Third R&O* (*i.e.*, by September 20, 1995).

5. In its petition, Celsat requests that the Commission reconsider its decision to apply the new requirements regarding criteria, peer review, and unjust enrichment to pioneer's preference requests that were accepted for filing on or before September 1, 1994. Celsat also requests that the Commission defer the deadline for filing amendments to pioneer's preference requests until 30 days after the effective date of the Order that responds to its petition. No party filed comments on Celsat's petition or its request for deferral.

6. The Commission emphasizes that the pioneer's preference program was established ''to foster a host of valuable new technologies and services to the public'' and ''to induce innovators to present their proposals to the Commission in a timely manner.'' To the extent that new technologies are being developed and presented to the Commission in a timely manner for use in existing services independently of the pioneer's preference program, the Commission sees no need to award preferences based upon the additional use of those technologies in new services. Therefore, it finds unpersuasive Qualcomm's argument that a technology that is first used in an existing service independently of the pioneer's preference program should be eligible for a preference in the new service. With respect to Qualcomm's argument regarding the eligibility of an innovative technology to multiple new services, it does not intend to reward the same technology with a preference in more than one service. Further, the Commission believes that such a technology should be eligible for a pioneer's preference only in the first new service that is proposed (provided that the technology has not previously been implemented in an existing service). To permit an applicant to use the same technology as the basis for a pioneer's preference in more than one new service would be administratively burdensome, because there may be numerous new services in which an innovative technology can be used and a party could repeatedly apply for a preference using that technology. Finally, with respect to new services operating in higher bands, Qualcomm does not present a valid reason to believe that there is confusion as to what constitutes a new service. Accordingly, the Commission finds no need to clarify its rules regarding new services.

7. With regard to Celsat's petition, the Commission finds that applying the new pioneer's preference requirements regarding criteria, peer review, and unjust enrichment to pioneer's preference requests that were accepted for filing on or before September 1, 1994 is unnecessary to evaluate these requests and would be administratively burdensome on the Commission and on the applicants. The Commission believes that it has sufficient information on each of these requests to determine whether they are entitled to a pioneer's preference. Accordingly, it will not apply the new requirements regarding criteria, peer review, and unjust enrichment to these requests.

8. The Commission notes, however, that all pending pioneer's preference applicants except Celsat in proceedings that have not reached the tentative decision stage were required by the *Third R&O* to submit by September 20, 1995 amended filings pertaining to these and other new pioneer's preference requirements adopted in the *Second R&O* and *Third R&O*. Even though a number of pending applicants supplemented their preference requests by that date, the Office of Management and Budget (OMB) has not yet approved a new information collection for pioneer's preference requests pursuant to the Paperwork Reduction Act. Accordingly, pursuant to that statute, the Commission is ordering that subsequent to approval by OMB of the new collection, the Chief, Office of Engineering and Technology announce a new date for the submission of amended pioneer's preference requests and publish that date in the Federal Register. Therefore, Celsat and other parties who may wish to amend their pioneer's preference requests will not be required to do so prior to the new filing date. On that date, a party that has not previously filed an amended pioneer's preference request will be required to do so by submitting a filing pertaining to the new requirements adopted in the *Second R&O* and *Third R&O*. Specifically, a party that filed a pioneer's preference request on or before September 1, 1994, must submit a statement that a new allocation of spectrum is necessary for its innovation to be implemented. Further, if the applicant relied on experimental results to demonstrate the technical feasibility of its innovation, it must submit a summary of those experimental results. Additionally, for pioneer's preference requests filed after September 1, 1994, an applicant must submit a showing demonstrating that the Commission's public rulemaking process inhibits it from capturing the economic rewards of its innovation unless it is granted a pioneer's preference license; *i.e.,* the applicant must show that it may lose its intellectual property protection because of the Commission's public process; that the damage to its intellectual property is likely to be more significant than in other contexts, such as the patent process; and that the guarantee of a license is a significant factor in its ability to capture the rewards from its innovation. Failure by any party to amend in a timely manner will result in the dismissal of its request.

9. Accordingly, *it is ordered* that Parts 0 and 1 of the Commission's Rules are amended as specified below, effective March 11, 1996. *It is further ordered* that the petition for reconsideration filed by Qualcomm Incorporated is denied. *It is further ordered* that the petition for reconsideration filed by Celsat America, Inc. is granted. *It is further ordered* that the request for deferral filed by Celsat America, Inc. is dismissed as moot. *It is further ordered* that the Chief, Office of Engineering and Technology announce a new date for the submission of amended pioneer's preference requests and publish that date in the Federal Register, subsequent to approval from the Office of Management and Budget of the new information collection for pioneer's preference requests. This action is taken pursuant to Sections 4(i), 7(a), 303(g), and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(g), and 303(r).

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Pioneer's preference, Radio.

Federal Communications Commission
William F. Caton,
Acting Secretary.

Amendatory Text

Parts 0 and 1 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.241 is amended by revising paragraph (f) to read as follows:

§ 0.241 Authority delegated.

* * * * *

(f) For pioneer's preference requests accepted for filing after September 1, 1994, the Chief, Office of Engineering and Technology (OET) is authorized to select, in appropriate cases on his/her own initiative or upon request by a pioneer's preference applicant or other interested person, a panel of experts consisting of persons who are knowledgeable about the specific technology set forth in a pioneer's preference request and who are neither employed by the Commission nor by any applicant seeking a pioneer's preference in the same or similar communications service. In consultation with the General Counsel, the Chief, OET, shall also impose other conflict-of-interest requirements that are necessary in the interest of attaining impartial, expert advice regarding the particular pioneer's preference request or requests.

PART 1—PRACTICE AND PROCEDURE

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

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.402 is amended by revising paragraphs (h) and (i) to read as follows:

§ 1.402 Pioneer's preference.

* * * * *

(h) For pioneer's preference requests accepted for filing after September 1, 1994, an opportunity for review and verification of the requests by experts who are not Commission employees will be provided by the Commission. The Chief, Office of Engineering and Technology (OET) may select a panel of experts consisting of persons who are knowledgeable about the specific technology set forth in a pioneer's preference request and who are neither employed by the Commission nor by any applicant seeking a pioneer's preference in the same or similar communications service. The panel of experts will generally be granted a period of up to 90 days, but no more than 180 days, to present their findings to the Commission. The Commission will generally establish, conduct, and seek the consensus of the panel pursuant to the Federal Advisory Committee Act, and will evaluate its recommendations in light of all the submissions and comments in the record. Panelists will have the authority to seek further information pertaining to preference requests and to perform field evaluations, as deemed appropriate by the Chief, OET.

(i) For pioneer's preference requests accepted for filing after September 1, 1994, in order to qualify for a pioneer's preference in services in which licenses are awarded by competitive bidding, an applicant must demonstrate that the Commission's public rulemaking process inhibits it from capturing the economic rewards of its innovation unless it is granted a pioneer's preference license. The applicant must show that it may lose its intellectual property protection because of the Commission's public process; that the damage to its intellectual property is likely to be more significant than in other contexts, such as the patent process; and that the guarantee of a license is a significant factor in its ability to capture the rewards from its innovation. This demonstration will be required even if the Commission has not determined at the time a pioneer's preference request is filed whether assignments in the proposed service will be made by competitive bidding.

* * * * *

[FR Doc. 96–2843 Filed 2–8–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 43

[DA 95–1248]

Reporting Requirements for International Traffic Data

AGENCY: Federal Communications Commission.

ACTION: Revised manual.

SUMMARY: The Common Carrier Bureau adopted a revised filing manual for international traffic data. The new manual has a separate section that consolidates the filing requirements for pure resale carriers. While the new manual did not change these requirements, the consolidated section will make it easier for small businesses which primarily provide pure resale service to report. The new manual did change the reporting requirements for facilities based traffic, which is primarily provided by large businesses. In order to protect U.S. carriers' interests, the new manual allows carriers to report some information on a proprietary basis. Both facilities-based and pure resale carriers must use this manual to report message counts, minute counts, gross revenues, international settlements amounts, and retained revenues for international communications services. The manual was adopted June 6, 1995 and approved by OMB.

DATES: Traffic data for the prior calendar year must be filed by July 31.

ADDRESSES: The original transmittal letter only must be filed with the Secretary, Federal Communications Commission, Washington, DC 20554. Traffic data must be filed with the FCC Common Carrier Bureau, Industry Analysis Division, Mail Stop 1600 F, 1919 M Street NW., Washington, D.C. 20554 and with the FCC's Contract Copier (Currently International Transcription Services, Inc.), Room 246, 1919 M Street NW., Washington D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Linda Blake or Jim Lande, Common Carrier Bureau, Industry Analysis Division, (202) 418–0940.

SUPPLEMENTARY INFORMATION:

FCC Report 43.61

Approved by OMB 3060–0106.
Expires 08/31/98.
Estimated Average Burden Hours Per Response: 24 Hours.

Manual for Filing Section 43.61 Data in Accordance With the FCC's Rules and Regulations

June 1995.

Notice to Individuals

Section 43.61 of the Commission's Rules requires all carriers providing international service to provide traffic and revenue data. The collection of Section 43.61 traffic data stems from the Commission's authority under the Communications Act of 1934, Sections 4, 48, 48 Stat. 1066, as amended, 47 U.S.C. 154 unless otherwise noted. Interpret or apply sections 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

The foregoing Notice is required by the Privacy Act of 1974, Pub.L. 93.579, December 31, 1974, 5 U.S.C. 552(a)(e)(3), and the Paperwork Reduction Act of 1980. Pub.L. 96–511, section 3504(c)(3).

Public reporting burden for this collection of information is estimated to average 24 hours per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including

suggestions for reducing the reporting burden to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554.

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Introduction

This manual is organized in three sections. Section 1 defines international telecommunications service, explains the service categories, defines the data requirements, and contains filing instructions. Section 2 defines a computerized format, and explains specialized codes that facilities-based and facilities resale carriers must use for reporting data. Section 3 summarizes reporting requirements for pure resale switched services. Most pure resale carriers should be able to use Section 3 without reference to other parts of the manual.

Section 43.61(a) of the FCC's Rules requires that each common carrier providing international telecommunications service between any U.S. point and any non U.S. point must file traffic and revenue data.[1] This includes foreign carriers that serve a U.S. point as well as private carriers and carriers that provide non-tariffed international communications services. Section 43.61(b) mandates that carriers provide traffic and revenue data for each and every international service. Section 43.61(d) specifies that the traffic and revenue data must be furnished in accordance with this manual.

The 43.61 international traffic reports contain traffic and revenue information for service between the United States and international points. The data are summarized in FCC statistical reports, are used to monitor the development and competitiveness of international telecommunications markets, and are used in the facilities planning process. In addition, the FCC uses this information to develop and support United States positions in discussions with foreign governments and international standards organizations, such as the International Telecommunications Union.

The manual contains reporting requirements for facilities-based, facilities resale and pure resale services.[2] Facilities-based services are provided by a carrier utilizing international circuits in which it has an ownership interest. Facilities Resale services are provided by a carrier utilizing non-switched international circuits leased from other reporting international carriers. Carriers must provide detailed data for both the facilities-based and facilities resale services that they provide. Pure resale services are switched services that are provided by reselling the international switched services of other carriers. Pure resale carriers may own domestic switches and circuits, but rely on other carriers to carry switched traffic between the United States and foreign points. Carriers must separately report facilities-based, facilities resale, and pure resale service. Section 3 contains simplified reporting requirements for pure resale carriers. Only pure resale switched service is accorded simplified reporting requirements.

The public reporting burden for the revised manual is estimated to average 24 hours including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, preparing the report, and reviewing the collection of information. The 24 hours is a weighted average response time based on 80 hours for 30 facilities-based carriers and 10 hours for 120 pure resellers. These figures represent the incremental reporting burden and do not include the time that carriers spend maintaining data for other purposes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Office of Managing Director, Washington, DC 20554.

Section 1—Definitions and General Information

A. Carriers That Must File International Telecommunications Service Data

Section 43.61(a) of the FCC's Rules requires that each common carrier providing international telecommunications service between any U.S. point and any non U.S. point must file traffic and revenue data. This includes foreign carriers that serve a U.S. point as well as private carriers and carriers that provide non-tariffed international communications services. Section 43.61(b) mandates that carriers provide traffic and revenue data for each and every international service. Section 43.61(d) specifies that the traffic and revenue data must be furnished in accordance with this manual.

International traffic and revenue data must be reported in accordance with Section 43.61 of the Rules. Section 43.61(a) states that ''[e]ach common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area must file a report with the Commission not later than July 31 of each year for

[1] 47 CFR 43.61.

[2] The definitions herein of facilities-based and facilities resale service are solely intended to govern reporting of international traffic data, and are not intended for any other purpose.

service actually provided in the preceding calendar year.'' Telecommunications services allow the public to communicate by means of electronic signals transmitted by wire, radio, visual or other electromagnetic systems and can entail the carriage of traffic or the provision of dedicated communications channels. A service channel or circuit is a path for electronic transmission of information between two or more points. All common carriers must file international traffic data, regardless of whether service is offered pursuant to tariff.

Enhanced services as defined by section 64.702 of the Commission's rules are exempt from the section 43.61 filing requirements. Enhanced services incorporate code and protocol conversion, information provision or information processing as a fundamental part of the service purchased by the customer. Simple packet switching, for example, is not considered to be an enhanced service despite the fact that the network temporarily stores packets. A packet switching service that included code and protocol conversion, however, would be considered to be enhanced unless packet switching was priced separately from code and protocol conversion.

For the purpose of reporting international traffic data, an international carrier is any entity that offers international telecommunications service to non-affiliated entities for compensation. For example, a cellular carrier that resells the international switched service of another carrier must file Section 43.61 traffic data. However, a cellular carrier that merely bills international service for another carrier whose name is shown on the bill would not be considered an international carrier even if the cellular carrier also billed for itself the standard air time charges for the international call. The carrier actually providing the international service would be required to report.

B. International Points Used for Reporting Purposes

This manual defines three categories of geographic points. Domestic U.S. points are the 50 states, the District of Columbia, and Puerto Rico. Off-shore U.S. points include U.S. possessions such as American Samoa, Guam, Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, the Northern Mariana Islands, Palmyra Atoll, the U.S. Virgin Islands, and Wake Island. The Domestic U.S. and Off-shore U.S. points are collectively referred to herein as the United States or as U.S. points. All other points of the world, including ships operating in international waters, are Foreign points. Canada, Saint Pierre and Miquelon, and Mexico, which were not encompassed by the older term ''overseas points'', are foreign points.

United States and foreign points are identified in the Common Carrier Bureau Industry Analysis Division report titled *International Points used for FCC Reporting Purposes (International Points). International Points* lists world points that originate or receive international telecommunications traffic. The report contains the country and region codes that must be used to file section 43.61 data. The report is published periodically and shows various classification schemes for world points. Revisions to *International Points* will reflect changes in political boundaries and the extent and operation of international telecommunications networks. Contact the Industry Analysis Division (202)418–0940 regarding points not listed in the tables.

The geographic categories Domestic U.S., Off-shore U.S. and Foreign shall be used to determine which data must be reported. Service that both originates and terminates in Domestic U.S. points is considered to be domestic, and should not be reported under section 43.61 of the Rules. All other traffic for a United States point must be reported.

The following table illustrates the classification of traffic for various pairs of points:

Service originating and terminating points	Categorized	Reporting status
Alaska to Hawaii	Domestic U.S. to Domestic U.S	Domestic Traffic: not reported.
Alaska to Puerto Rico	Domestic U.S. to Domestic U.S	Domestic Traffic: not reported.
U.S. Virgin Islands to Puerto Rico	Off-shore U.S. to Domestic U.S	U.S. International Traffic: Reported.
Alaska to Guam	Domestic U.S. to Off-shore U.S	U.S. International Traffic: Reported.
Alaska to Japan	Domestic U.S. to Foreign	U.S. International Traffic: Reported.
Guam to Japan	Off-shore U.S. to Foreign	U.S. International Traffic: Reported.
Guam to Wake Island	Off-shore U.S. to Off-shore U.S	U.S. International Traffic: Reported.
Japan to Italy via Hawaii	Foreign to Foreign transiting the U.S	U.S. International Traffic: Reported.
Japan to Italy via Guam	Foreign to Foreign transiting the U.S	U.S. International Traffic: Reported.
Japan to Italy via ''country beyond'' service of a U.S. carrier.	Foreign to U.S. to Foreign	U.S. International Traffic: Each leg of call reported as U.S. Billed.
Japan to Italy via pure resale U.S. Call-back service in Hawaii.	Foreign to U.S. to Foreign	U.S. International Traffic: Each leg of call reported as U.S. Billed.
Japan to Italy direct	Foreign to Foreign	Foreign Traffic: not reported.

The distinction between domestic and international traffic may prove burdensome in some instances. For example, there may be instances where customers obtain international service while using a domestic telecommunications service. A domestic cellular service might be usable just outside U.S. territorial waters. The cellular carrier may have no way of knowing if its service is being used to complete an international call. If the carrier bills such a customer at domestic rates, the traffic should be considered incidental to domestic service, and need not be included in Section 43.61 reports. The opposite situation might occur where a customer uses an international maritime service while in U.S. territorial waters. Such a call to a domestic point would be a domestic call. It could be difficult for the carrier to identify and remove such traffic from its international data reports. Such traffic is incidental to international service, and may be included in Section 43.61 reports as international traffic. Carriers should footnote entries that might contain a significant amount of such traffic.

C. Service Categories Used for Reporting Data

Section 43.61(b) of the FCC's Rules requires carriers to provide traffic and revenue information for each and every international common carrier service that they provide to the public. Enhanced services as defined by Section 64.702 of the Rules are not common carrier services. International services may be provided over terrestrial cable,

submarine cable, microwave facilities, satellite circuits, etc. Distinctions are made based on the service provided to the customer rather than the technology employed to provide the service. The following service categories and definitions are provided solely to govern the reporting of traffic and do not bear on the legality or treatment of international services for any other purpose:

1. International Message Telephone Service

International message telephone service involves the transmission and reception of speech over the public switched network for which a charge is collected on a minimum charge per call or measured time basis. Per call prices are typically calculated based on the number of minutes or fractions of minutes. Service features, such as operator assistance or credit card billing, may be offered as part of the service and may give rise to additional charges. Through use of modems and other specialized equipment, the customer can use ordinary telephone calls for the transmission of data, video and facsimile [3] messages.

International message telephone services are generally tariffed on a ''through'' basis from the United States to a particular foreign point. This means that a call is charged a tariffed rate for a particular point of destination, regardless of whether the call goes directly to that country, or transits through some third point. Traditionally, service is provided jointly by a U.S. international message telephone service carrier and one or more foreign correspondent carriers under a ''joint operating agreement''. Such agreements typically specify the rights, duties, and legal obligations of each correspondent; arrangements such as ''proportionate return'' which govern the routing of traffic; and provide the accounting rate per unit of international message telephone service traffic. The accounting rate provides the basis for ''settling'' traffic balances, i.e. compensating one carrier for handling the traffic of the other. However, international message telephone service can also be provided by facilities resale arrangements which may not entail accounting rate agreements.

Carriers offer many types of switched network services with different access and billing arrangements. International message telephone service includes services with dedicated access if the calls are routed through the public switched network. Accordingly, for international reporting purposes, the international message telephone service category includes traditional international message telephone service, WATS, 800 and 900 type services, custom network services, conference services, 'country beyond' service, and similar services. The international message telephone service category can also include switched digital services that utilize ISDN interfaces and switched global defined network services. International message telephone service is reported with service code 1.

2. International Message Telegraph Service

International message telegraph service involves the transmission and reception of record or textual matter which is not sent directly by the sender, and for which a charge is collected on a per word basis. International message telegraph service is reported with service code 2.

At one time carriers were required to provide separate data for message telegraph services offered to the public, to governments, and to press entities. Carriers should report 43.61 data that represents totals for all types of customers.

3. International Telex Service

Telex service involves the transmission and reception of record matter, including messages, facsimile and data, charged for on a per minute or timed basis, for which the transmission is directly controlled by the user over an exchange network dedicated to the transmission of such records. Messages may be transmitted via carrier facilities on either a direct dial or on a store and forward basis. The telex network provides for the transmission of communications alternately in either direction, but not in both directions simultaneously. Such services are also referred to as teleprinter exchange services. International telex service is reported with service code 3.

Telegraph and Telex services are occasionally referred to as record services.

4. International Private Line Service

Private line service is the leasing of a dedicated channel of communications (leased circuit) for specified periods of time for the customer's use. Leased private line circuits are typically priced by distance, bandwidth or capacity, and other features such as line conditioning. International private line service does not include private circuits within the United States unless such circuits are dedicated to the provision of international service and are provided pursuant to international tariffs.

The international portion of the service typically begins at a point within the United States and terminates at a connection point halfway between the United States and the destination country. The remaining half of the international private line from the theoretical midpoint to the foreign destination is provided by the U.S. carrier's foreign correspondent carrier. Each carrier bills the customer separately for its half of the service. In actuality, although the service is priced on the basis of a theoretical midpoint, the international circuitry is usually provided by the U.S. and foreign carriers jointly, with each carrier owning an undivided half-interest in the circuits.

Carriers should not report as international private line service data for circuits that both originate and terminate within the domestic United States, unless those circuits are dedicated for international service and are provided pursuant to international tariffs. In addition, carriers should not report facilities provided under contract to foreign carriers except to the extent that the foreign carrier is paying for facilities from the United States to the theoretical midpoint.

There are six categories of private line service for reporting purposes:

Service code	Description
4	Voice Circuits—provided as individual circuits.
5	Up to 1200 bits per second (bps).
6	1201 bps to 9600 bps.
7	9601 bps to 30 Million bps (Mbps) or .01 Megahertz to 18 Megahertz, except for voice circuits.
8	Greater than 30 Mbps to 120 Mbps or greater than 18 Megahertz to 72 Megahertz.
9	Greater than 120 Mbps or greater than 72 Megahertz.

The voice grade category should only contain individual circuits that are

[3] Most people associate the word facsimile with the use of terminal equipment that sends and receives images of a page. The electronic image is transmitted over the public switched network. Carriers should not separate this type of traffic from other types of international message telephone traffic. Our rules previously required detailed data reporting for several services that are obsolete, including one then called facsimile service. The older facsimile service was a private line service. The facsimile lines accommodated analog equipment that transmitted images at a rate of 3 to 6 pages per hour. Digital equipment was introduced in the late 1960's. Customers stopped using dedicated facsimile lines in the 1970's following the development of facsimile equipment that could utilize the public switched telephone network. Any remaining dedicated facsimile lines should be reported as private lines using the appropriate private line category.

offered to accommodate a single voice circuit. This category does not include ISDN circuits or large capacity circuits provided as multiple voice grade equivalent channels.

Switched and virtual private line services should not be included in the above categories and instead should be reported separately as Miscellaneous or Other International Services. These services are considered to be private lines services for some purposes. However, the reporting of revenues and circuits for switched and virtual private line services cannot easily conform to the format specified for the private line categories contained herein.

5. Miscellaneous or Other International Service

The final service category includes all services that are not listed above. The category includes cablephoto service, radiophoto service, photo transmission service and addressed press service. The category also includes packet switched transmission service, occasional use television, switched video, switched and virtual private line services and some other forms of switched digital service. The category also includes any new service that differs from services listed above. Miscellaneous or Other international services are reported with service code 99.

D. Filing Country-by-Country Data for Each U.S. Point Served

1. Filing by U.S. Point

Carriers must file separate data for each United States point from which they originate and bill facilities-based or facilities resale service. Carriers may not consolidate facilities-based or facilities resale data for two United States points without obtaining a waiver from the FCC. Carriers may consolidate pure resale traffic for domestic U.S. points (the Conterminous United States, Alaska, Hawaii, and Puerto Rico). However, carriers may not consolidate pure resale data for an off-shore U.S. point and a domestic U.S. point, or for two off-shore U.S. points, without obtaining a waiver from the FCC. See 47 CFR Section 1.3.

Carriers should not include in their report U.S. points that they do not serve.

2. Filing data on a Country-by-Country Basis

For each large U.S. point, facilities-based and facilities resale carriers must provide country-by-country data on diskette for each service that they provide. However, region-by-region data may be substituted for miscellaneous services. For small U.S. points, each carrier must report world total traffic data on diskette for each service that they provide. All carriers, including pure resale carriers, must file world total traffic data for each pure resale service that they provide. Pure resale traffic need not be provided on diskette.

REPORTING REQUIREMENTS FOR FACILITIES-BASED AND FACILITIES RESALE SERVICE

Large U.S. points: File country-by-country data on diskette	Small U.S. points: File world total data [1] on diskette
Alaska	American Samoa.
Conterminous U.S.	Baker Island.
Guam	Howland Island.
Hawaii	Jarvis Island.
Puerto Rico	Johnston Atoll.
U.S. Virgin Islands	Kingman Reef.
	Midway Atoll.
	Navassa Island.
	Northern Mariana Islands.
	Palmyra Atoll.
	Wake Island .

[1] Many points on this list are not served by U.S. carriers at this time. Carriers need not file data for points that they do not serve.

Where country-by-country reporting is required, carriers must file separate data for each of the primary international points listed in *International Points.* However:

(a) Carriers should omit points that would represent domestic traffic. For example, a report for Alaska should not show traffic to Hawaii. However, traffic between domestic and off-shore U.S. points must be reported. For example, a report for Alaska should include traffic to Guam.

(b) Carriers may consolidate traffic as indicated by the summary codes shown in *International Points.* For example, Scotland has country code 280, but also summary code 326. That summary code is the country code for the United Kingdom. Traffic between a U.S. point and Scotland may be reported as Scotland traffic using country code 280 or may be included with other United Kingdom traffic and reported using country code 326.

(c) Carriers should omit countries for which they have no traffic.

There are no miscellaneous country codes. All traffic must be reported to a country code associated with one of the points listed in *International Points.* Contact the Industry Analysis Division of the Common Carrier Bureau if traffic exists for an international point that is not currently listed. The Industry Analysis Division will assign a code for that point.

Where country-by-country reporting is required, carriers should also file region and world totals. *International Points* groups all international points into 10 regions. These regions and the reporting codes are listed in Section 2–F below. Carriers may omit country-by-country data for miscellaneous services, but must provide region and world totals on diskette.

E. Billing Codes

Within a service, traffic is categorized according to the ownership of facilities used to provide the service, and how the traffic was billed. Carriers must use billing codes to associate traffic statistics with a particular service type.

1. Definition of Facilities-Based, Facilities Resale, and Pure Resale Service

In reporting data to the FCC, carriers must separate traffic on the basis of the ownership of facilities used to provide service. Carriers must separately report data for the three ownership categories shown below: facilities-based, facilities resale, and pure resale. The following definitions of facilities-based, facilities resale, and pure resale traffic are intended solely for reporting international traffic data, and may not be appropriate for other purposes.

Facilities-based services are those services provided using international transmission facilities owned in whole or in part by the carrier providing service. Facilities-based carriers use one or more international channels of communications to provide international telecommunications service. An international channel is a wire or radio link that facilitates electronic communications between a United States point and another world point. A facilities-based carrier either owns international channels, has an ownership interest in the channel such as an indefeasible right of use (IRU), or leases the channel from an entity that does not report traffic, such as Comsat. Carriers must provide detailed data for the facilities-based services that they provide.

Facilities Resale services are provided by a carrier utilizing non-switched international circuits leased from other reporting international carriers. A facilities resale service is provided over international channels which are subject to Section 43.61 reporting by the underlying carrier. Carriers must provide detailed data for the facilities resale services that they provide.

Pure resale services are switched services that are provided by reselling the international switched services of other carriers. Pure resale services are not provided to the public over the reseller's international channels of communications. Pure resale carriers may own domestic switches and circuits, but rely on other carriers to

carry switched traffic between the United States and foreign points.

2. Switched and Miscellaneous or Other Services

Carriers are required to categorize and report international switched traffic using billing information. The primary categories are: U.S. Billed—traffic billed by U.S. carriers which originates or terminates in the United States, or which originates from 'country beyond' type services; Foreign Billed—traffic which originates or terminates in the United States and is billed by a foreign or correspondent carrier; and, Transiting—traffic that originates outside of the United States, transits the United States, and terminates outside of the United States, and is billed by a foreign carrier.

Within the U.S. Billed category, carriers must categorize traffic according to whether the call was billed under a 'country beyond' arrangement, or under some other arrangement. 'Country beyond' services are provided by U.S. carriers to customers located in foreign points. The customer initiates the call to the U.S. carrier and then provides the destination number. The U.S. carrier then completes the call. Such calls are typically billed using calling cards. Carriers must use billing codes to separate 'country beyond' traffic from other U.S. billed calls. Other U.S. billed calls include international calls that are placed in the United States and are billed to the calling number, billed to another number in the United States, billed to a calling card or billed by some other arrangement. Other U.S. billed calls also include calls initiated overseas and billed to an 800 number in the United States or billed collect to the called party. Public data may be filed combining these call categories. The carriers proprietary filing must use billing codes to distinguish 'country beyond' traffic data from other U.S. billed traffic data.

Note that data are not reported with sufficient granularity to separate traffic solely on the basis of whether it originates or terminates in the United States. The same billing code is used for calls that are dialed directly from the United States, and for calls that originate in a foreign point but are billed collect in the United States by the U.S. carrier.

Not all carriers will provide all possible categories of traffic. Carriers should file data only for billing types that they actually provided during the year.

A carrier may aggregate all pure resale international traffic, including traffic from call-back service. Call-back service is described on page 38, of the manual. Carriers may not aggregate pure resale traffic with either facilities-based or facilities resale traffic.

Traffic between some U.S. points will be reported as U.S. billed for the point where it is billed, and as foreign billed for the other end of the call. For example, a sent paid call from the U.S. Virgin Islands to Puerto Rico will be reported as a U.S. billed call by the carrier serving the U.S. Virgin Islands, and will also be reported as a foreign billed call by the carrier serving Puerto Rico. This would be the case even if the same carrier served both points. In fact, the same call would be reported three times if it originated in an off-shore U.S. point, transited a domestic U.S. point, and terminated in another off-shore U.S. point.

U.S. billed and foreign billed switched traffic is reported by the foreign point in which the call originates or terminates, irrespective of foreign points through which the call may transit. Transiting traffic is reported for the country in which the call originates.

3. Private Line Service

International private line service typically links a location within the United States with a location in a foreign point. The service is provided jointly by the U.S. carrier and the foreign correspondent carrier, and is usually accounted as if the U.S. carrier provides service to the theoretical mid-point of the service. Thus, the U.S. carrier tariffs a half circuit for its portion of the service, and the foreign correspondent carrier likewise tariffs a half circuit. With private line service, the customer billing address may be located in a foreign country and the bill may be rendered by the foreign carrier that provides the other half of the circuit. Even so, this service is classified as U.S. billed because the customer has a United States presence and the choice of billing location is arbitrary. The fact that a foreign carrier may act as a billing agent is irrelevant. In sum, U.S. carriers must report the portion of the service that they tariff.

Private lines are categorized by the foreign point in which the line terminates. Facilities-based private line service should be reported using billing code 1. Private line service provided over resold facilities should be reported using billing code 11.

4. Table of Billing Codes

The following table provides the billing codes for switched and private line services. Note that carriers must report separately facilities-based, facilities resale, and pure resale traffic.

TABLE OF BILLING CODES

	Type of service provision				
	Facilities based		Facilities resale		Pure resale
	Confidential filing	Public filing	Confidential filing	Public filing	Public filing
SWITCHED AND MISCELLANEOUS SERVICE					
U.S. Billed (Traffic Billed by reporting U.S. carriers):					
Call originate in U.S. point served:					
Billed to the calling number account	1	1	11	11	21
Billed to a calling card or other billing arrangement	1	1	11	11	21
Calls Originate outside U.S. point served:					
Billed collect to a U.S. customer	1	1	11	11	n.a.
Billed to a U.S. 800 service number	1	1	11	11	n.a.
Billed to a calling card or other billing arrangement	4	1	14	11	21
Foreign Billed (Traffic billed by foreign or corresponding carrier):					
Calls originate in U.S. point served:					
Billed collect to a foreign customer	2	2	12	12	n.a.
Billed to a foreign 800 service number	2	2	12	12	n.a.

TABLE OF BILLING CODES—Continued

	Type of service provision				
	Facilities based		Facilities resale		Pure resale
	Confidential filing	Public filing	Confidential filing	Public filing	Public filing
Billed to a foreign carrier calling card or other arrangement	2	2	12	12	n.a.
Calls originate outside U.S. point served and terminate in the U.S. point:					
Billed to the calling number account	2	2	12	12	n.a.
Billed to a foreign carrier calling card or other arrangement	2	2	12	12	n.a.
Transiting (Traffic that originates and terminates outside the U.S point served):					
Traffic billed by foreign or corresponding carrier:	3	3	13	13	n.a.
Private Line Service					
All Circuits	1	1	11	11	n.a.

F. Measurement of Traffic and Revenues

This section provides guidance for measuring traffic and revenues. Each service has unique characteristics that create special concerns. For example, a customer who places a telephone call to a foreign country may not be aware that the call originates in a Local Access Transport Area (LATA), crosses a Point of Presence (POP) to the interexchange network of an interLATA carrier, is switched through international facilities to a foreign carrier, and is then terminated in a foreign local exchange. The customer need not consider the various arrangements under which several carriers share the revenue from the call. The private line customer, on the other hand, leases a specific amount of capacity between two specified points. The customer may use a variety of arrangements to get traffic to and from the leased circuit and may use the circuit for several types of communications. The private line customer is concerned with the charges for each specific link in its network.

These and other differences between message and private line services lead to differences in the ways that carriers should measure traffic and revenues. The following sections cover message and private line services. The guidelines should be used for miscellaneous international services as appropriate.

1. Message Services

For each message service (telephone, telegraph, and telex) carriers must report data for each billing type—principally U.S. billed, foreign billed, and transiting. The data shall consist of a message count, the duration of the messages, the billed revenue for the messages (when U.S. billed), settlements associated with the messages, and the net revenue for the messages.

Carriers must report traffic data on a calendar year basis. Thus, the carrier should report the actual traffic carried during the year. Revenues and settlement amounts should be measured on an accrual basis, rather than on an actual receipts or actual settlement basis unless rates have been adjusted retroactively. The amounts reported should not reflect prior year adjustments or corrections. Accordingly, carriers cannot legitimately report negative amounts in the message, minute, revenue, or settlement data fields.

Even though there is a significant lag between the end of the reporting year and the final data filing in October of the following year, carriers may not have complete settlement data for some countries. In such instances, carriers should make a good faith effort to estimate settlement receipts, and note the fact in the filing. Section 2 describes the preparation of footnote records. Carriers should not adjust subsequent year reports when out of period data becomes available. Instead, these amounts, if significant, should be noted in the subsequent year filing.

a. Message Service Traffic Measures

Carriers must report the number of billed messages for international message telephone, international message telegraph and international telex services, except that messages may be omitted for transiting traffic. Data should be reported for all billed traffic, regardless of whether the customer is an end user or another carrier. All billed traffic should be reported, even calls that have been billed but written off as uncollectible. Unbillable traffic, however, should not be reported.[4]

Carriers must report the number of minutes for international message telephone and telex services. For facilities-based and facilities resale service, carriers should report the number of minutes upon which correspondent carriers will be compensated. For facilities-based service, compensation generally is governed by the settlement process. Settlement compensation is based on conversation minutes. Settlement minutes averaged 5% to 6% less than billed minutes for traffic billed in the United States for 1988 through 1990. If the correspondent carrier is not compensated for traffic based on call length, then the number of minutes should be based on conversation minutes.

U.S. carriers should classify as transiting traffic all foreign billed calls that both originate and terminate in foreign points. U.S. carriers should classify as U.S. billed ''country beyond'' calls which originate in foreign points, are placed through the carrier, and are billed by the carrier. The U.S. carrier may owe settlements for two legs of a ''country beyond'' call—one settlement amount for the country where the call originates, and another for the country where the call terminates. In this case, the number of minutes used for settlement purposes will equal roughly twice the number of conversation minutes.

Since carriers do not make settlement payments for their pure resale traffic, carriers should report the number of minutes billed to customers, which can be based on billing information received from the underlying carrier.

Word counts must be reported for international message telegraph service.

[4] For example, call-back customers place calls to their U.S. carriers, but hang up after one ring. The U.S. carrier does not answer the call, but rather detects that a call was made, and then calls back. Since the initial call was not answered and is not billable, it should not be reported by either the underlying facilities based carrier or by the call-back carrier. The call back to the customer, however, should be reported.

Carriers should report the number of words used for settlement purposes.

All message data must be reported on a message or end-to-end basis. This means that calls should be reported based on the billing location and the ultimate points of origin or terminus.[5] Transiting minutes should be reported by the country in which the call is initiated.

b. Message Service Revenue and Settlement Information

For each service that it provides, each carrier must report separately billed revenues, settlement receipts due (on services billed by correspondent carriers), settlement payments owed (on services billed by the carrier), and the revenues they retain net of all settlements. In the proprietary filing, carriers must use the specified billing codes to separate traffic that it carriers over its own facilities from traffic it carriers over facilities leased from other reporting carriers.

Billed revenues are equal to the amounts that carriers billed to customers for service at tariffed rates. Billed revenues should reflect all discounts given to customers. Reported revenues should reflect amounts actually billed to customers, including discounts that are calculated after individual calls are rated. For example, discounts which are calculated based on the total bill amount should be allocated proportionally to international calls on a country-by-country basis. However, if a discount is only calculated based on domestic billings, then discounts should not be allocated to international service.

The cost of promotional items such as telephone sets, frequent flyer miles, or merchandize credits, are marketing expenses and should not be treated as revenue reductions. Credits or coupons for the purchase of future communications services should be treated, when earned or issued, the same as direct discounts credited to the customer, with no allowance for the percentage of coupons which will not be used, and no adjustments for costs of administering the promotion.

Billed revenues should not be reduced to reflect uncollectibles or transit fee expenses. Transit fees are owed when a call transits a foreign carrier's facilities in one international point before terminating in a second international point. Settlement amounts and transit fees owed to the transiting carrier should be included with settlements owed.

Billed revenues should not include tax amounts that are itemized on the customer bill and remitted directly to taxing authorities, and should only include amounts that are recorded as revenues in the company books of account.

U.S. carriers have contractual relationships with foreign carriers so that telephone calls can be made between local exchanges in the United States and local exchanges in foreign countries. The foreign carrier in the relationship is usually called the foreign correspondent. Accounting rate agreements specify the amounts that carriers pay to their foreign correspondents on a per minute or similar basis for facilities based service. When the U.S. carrier bills an international call, it owes a settlement amount to the foreign correspondent. When the foreign correspondent bills an international call, the U.S. carrier is owed a settlement amount. The carriers usually balance the amounts due and make net payments. The amounts due to U.S. carriers, including separate transit fees, if any, are referred to herein as settlement receipts. The amounts owed by U.S. carriers to foreign corespondents, including separate transit fees, if any, are referred to herein as settlement payments. Settlement payments do not include the amounts that pure-resale carriers pay to underlying U.S. carriers. Settlement payments do not include the access charge amounts that U.S. carriers pay to U.S. local exchange carriers for originating or terminating calls. The U.S. carrier retained revenue is equal to billed revenue plus settlement receipts minus settlement payments.

There are instances where carriers in two international points do not charge each other settlements. This might be the case where the carriers are affiliates, or where facilities resale service is being provided. In such cases, carriers should report as settlements owed any amounts owed to foreign carriers that would be analogous to settlement amounts, including charges for originating or terminating traffic in the foreign carrier's toll network or local exchange. However, carriers should not include as settlements any costs of the underlying facilities being used to provide service. Also, payments to U.S. carriers for originating or terminating calls in U.S. toll networks or local exchanges should not be reported. Where zero amounts are entered as settlement payments for U.S. billed service, carriers should footnote the reason. See Section 2 for instructions on including footnotes in the data files.

In a report for a U.S. point, U.S. carriers should not have billed revenue for foreign billed traffic. Similarly, U.S. carriers should not have settlement receipts for U.S. billed traffic.

Accounting agreements may be denominated in dollars, foreign currency units, or other monetary measures. All revenue and settlement payment information must be stated in U.S. dollars regardless of the terms of the accounting agreements or industry practices. Carriers should apply the currency conversion rates that prevailed at the time actual settlements were made.

Some international calls are initiated in foreign points by customers using ''country beyond'' services of a U.S. carrier. These calls may terminate in the United States or in other foreign points. Billed revenue for such a call should be reported for the country in which the call originated. Reported settlements should include amounts owed to carriers in both the originating country, and the terminating country, in the case of calls that terminate in foreign points.

2. Private Line Services

This section provides guidance for reporting private line circuit counts and revenues on a country-by-country basis. Carriers must report separately circuits that they own from circuits that they provide on a resale basis. As detailed in section 1–E–1 above, international circuits should be reported as resold only if they have been leased from a carrier subject to Section 43.61 reporting requirements and only if the circuits are leased to customers or other carriers in the form of private line service. If the carrier has combined some owned and some leased international circuits in order to provide a through circuit, then the circuit should be reported as facilities based.

a. Number of Leased Circuits and Number of Equivalent Voice Grade Circuits

A leased circuit is a single leased channel of communications that links two specific points. Leased circuits should be categorized according to the six private line categories shown on page 12 of the manual. Circuits are not categorized according to how the customer actually uses them. Counts of leased circuits should be provided as of December 31 of the year for which data are being reported. Carriers should not attempt to convert part day leases into equivalent full day circuits, but a circuit

[5] At one time carriers were required to report traffic on two schedules. The circuit traffic (CT) schedule showed all U.S. traffic that went to or from a particular country, including traffic that transited through that country to a third country. The message traffic (MT) schedule showed all traffic that originated or terminated in a particular country, including traffic that had transited through a third country. The current requirements are more similar to the MT schedule.

leased by different customers for different hours on December 31 should be reported as a single circuit.

Companies should not report non-tariff circuits provided to affiliates. Those circuits should be treated as the affiliate's circuits if they are used to provide a reportable international service. If the company had an ownership interest in the international circuits, then the affiliated carrier would be providing facilities-based service. If the company had obtained the international circuits by lease, then the affiliated carrier could be providing facilities resale service.

Carriers are also required to provide the number of voice equivalent circuits for the leased circuits provided as of December 31 of the year for which data are being reported. Voice equivalent circuits should be estimated by converting the total bandwidth of circuits leased to an international point. The standard conversion is based on 64 kilo bits per second for one voice equivalent channel. The figure should be rounded to the nearest whole number. An 18 megahertz video channel should be reported as 240 voice equivalent channels, a 24 megahertz video channel should be reported as 288 voice equivalent channels, and a 36 megahertz video channel should be reported as 630 voice equivalent channels. The number of voice equivalent circuits should be consistent with the data used to calculate regulatory fees as well as amounts filed in FCC circuit reports.

b. Leased Circuit Revenue

Private line and leased circuit service revenues should include only revenue from service provided under international tariffs. Private line and leased circuit service revenue should not include revenue for circuits that originate and terminate within the United States unless those circuits are provided under an international tariff. Private line revenues should include any service set up, installation, and termination charges. Private line revenues do not include billings made on behalf of domestic or foreign carriers for service provided by those carriers. Private line revenues should include revenue billed by a foreign carrier on behalf of the U.S. carrier for service provided by the U.S. carrier, even if the revenue has not yet been remitted to the U.S. carrier. Carriers must report the total private line revenues due for the calendar year, regardless of whether a lease was in effect at year end. Where lease or bill periods overlap the calendar year, billed amounts should be apportioned between years based on the number of days of service in each year. Private line revenues should not include taxes included on the customer bill.

Billed revenues should reflect all discounts given to customers. Reported revenues should reflect amounts actually billed to customers, including discounts that are calculated based on total charges for all services. Discounts which are calculated based on the total bill amount should be allocated proportionally to international circuits. The cost of promotional items such as telephone sets, frequent flyer miles, or merchandize credits, are marketing expenses and should not be treated as revenue reductions. Credits or coupons for the purchase of future communications services should be treated the same as direct discounts, with no allowance for the percentage of coupons which will not be used, and no adjustments for costs of administering the promotion.

3. Miscellaneous or Other International Services

The category miscellaneous or other international services potentially includes a wide variety of services. For the most part, carriers must select and report the most relevant traffic measures. However, providers of packet switched services should report the number of kilo segments transmitted during the year; providers of occasional use television service should report the number of hours of service provided; and switched video service providers should report the number of sessions and the number of minutes of service. See the chart on page 34 of the manual.

4. Data Requirements Summarized by Service

The following table summarizes the Section 43.61 data filing requirements by service category:

	Facilities-based and facilities resale service	Pure resale service*
International message telephone service	By country and billing type: messages, minutes, carrier revenues, settlement payments, retained revenue.	Countries served. World totals by billing type: messages, minutes, and carrier revenues.
International message telegraph service	By country and billing type: messages, words, carrier revenues, settlement payments, retained revenue.	World totals by billing type: messages, words, and carrier revenues.
International telex service	By country and billing type: messages, words, carrier revenues, settlement payments, retained revenue.	World total by billing type: messages, words, and carrier revenues.
Private line	By country and service category: leased circuits, voice equivalent circuits, revenues.	* *
Other international services	Region totals by billing type: messages, minutes, words, leased circuits, voice equivalent circuits, kilo segments, sessions, contracts, carrier revenues, settlement payments, retained revenue as appropriate.	World total by billing type: messages, minutes, words, kilo segments, sessions, contracts, and carrier revenues as appropriate.

*Pure resale carriers normally will not have settlement payments. Payments to underlying U.S. carriers should not be reported as settlements.
**Resale of private lines (either as private line service or as switched service) is classified as facilities resale service, not pure resale service.

G. Filing Procedures

Section 43.61(a) directs carriers to file reports by July 31, reporting service actually provided in the preceding calendar year. Section 43.61(c) provides that carriers shall submit a revised report by October 31 identifying and correcting errors in the July 31 filing. Carriers do not need to file revised data where figures change due to corrections that normally occur in the billing and settlement cycles if the corrected figures are within five percent of the figures filed in the July 31 filing. Carriers must refile a corrected version of each data record on which one or more data elements was found to be in error by more than five percent. The five percent guideline covers fluctuations in traffic or revenue totals due to corrections and true-ups that occur during the billing

and settlement process. Carriers must file corrections for all instances where they have filed erroneous data due to procedural mistakes made while compiling or reporting data.

The following schedule details the number of copies required and the location to which those copies should be delivered. This schedule applies to the July 31 and October 31 filings.

Carriers that provide only pure resale international services are not required to file data on diskette.

Mailing address	Transmittal letter	Certification and paper copy of report	Data on diskette*
FCC Secretary, Mail Stop 1170, 1919 M Street, N.W., Washington, D.C. 20554.	Original	.....	
FCC Common Carrier Bureau Industry Analysis Division, Mail Stop 1600 F, 1919 M Street, N.W., Washington, D.C. 20554.	2 copies	Original and 1 copy of both public and confidential versions.	1 set.
The FCC's Contract Copier**, Room 246, 1919 M Street, N.W., Washington, D.C. 20037.	1 copy	1 copy public version only	1 set.

*Pure resale traffic, and summary data for smaller U.S. points need not be filed on diskette. See page 14 of the manual.
**Currently *International Transcription Services, Inc.*

Paper copies must contain data that are identical to the data filed on diskette. Page headings must clearly indicate the filing entity, the United States point covered, and the service being reported. Column headings must describe the data contained in each column.

The carrier must include footnote text to explain the specific circumstances of any data for the current period which differs materially from that for the previous period if the difference is not self-explanatory but was caused by unusual circumstances not explained in a previous report. The paper copies of the 43.61 data must include the text of any footnotes. A data field is provided in the diskette record format to indicate that a footnote has been included in a separate data file record as well as in the paper copies. The paper copies and comment records in the data files should also contain any additional data or information that the carrier deems relevant or necessary to understanding the data it is required to file.

The transmittal letter should identify the name of the carrier, the date of the filing, and should state that Section 43.61 data has been filed with the Common Carrier Bureau's Industry Analysis Division and the Commission's current contract copier. The original of the transmittal letter should be filed with the Secretary of the FCC. Copies of the transmittal letter should be filed with the Industry Analysis Division and the Commission's current contract copier.

Carriers must certify the accuracy of the data submitted in FCC Report 43.61 by including a signed certification statement as the last page of the paper report. The statement must be signed by an officer of the reporting carrier. An officer is a person who occupies a position specified in the articles of incorporation (or partnership agreement), and would typically be president, vice president for operations, vice-president for finance, comptroller, treasurer or a comparable position. If the carrier is a sole proprietorship the owner must sign the certification. The original and one copy of the certification statement should be filed with the Industry Analysis Division. One copy of the certification should be filed with the Commission's current contract copier.

For additional information, comments or suggestions, contact the Common Carrier Bureau's, Industry Analysis Division (202) 418–0940.

The text of the certification statement is included below:

Certification

I certify that I am an officer of _____; that I have examined the foregoing report and that to the best of my knowledge, information and belief, all statements of fact contained in this report are true and that said report is an accurate statement of the affairs of the above named respondent in respect to the data set forth herein for the period from _____ to _____.

Printed Name _____

Position _____

Signature _____

Date _____

Section 2 Diskette Format and Coding Instructions

A. Media and File Name for Traffic Data Filed on Diskette

Data should be provided on 3½″ floppy diskettes formatted for IBM or IBM compatible personal computers. Carriers serving more than one United States point should provide one file for each point served. All files may be included on the same diskette. The record files should be named according to the following convention:

aaaaaaYY.436

where:

aaaaaa are 3 to 6 alpha characters that identify the filing entity and U.S. point.

YY is the last two digits of the calendar year for which data are being filed.

.436 is the file extension, (short for 43.61).

For example:

ATTVI91.436 might signify AT&T's Virgin Islands data for 1991

GRPHNT91.436 might signify Graphnet's complete filing for 1991

Carriers may file data in more than one file. All files may be placed on the same diskette. Carriers filing multiple files should give each file a unique name.

B. Record Formats

The data files may contain comment records and data records. A comment record has a blank space (ASCII character 32 or ‘‘ ’’) in the first position in the line, contains less than 132 characters, and ends with a carriage return. Comment records can be used to provide headings, formatting, and footnotes in the data file. A listing of the data file can be used as the paper copy of the data for filing purposes.

All data records must be provided using the record format set forth herein. Each record shall consist of a string of ASCII characters. Fields with ‘‘character’’ content should be left justified within the stated field boundary and may contain the ASCII characters ‘‘A’’ through ‘‘Z’’, ‘‘a’’ through ‘‘z’’, ‘‘,’’, ‘‘.’’, ‘‘-’’, ‘‘+’’, ‘‘/’’, ‘‘&’’, ‘‘#’’, ‘‘*’’, ‘‘!’’, ‘‘:’’, ‘‘;’’, ‘‘0’’ through ‘‘9’’, and blank spaces (ASCII character 32). Fields with ‘‘number’’ content should be right justified within the field boundary, and may contain the ASCII characters ‘‘-’’, ‘‘0’’ through ‘‘9’’ and leading blank spaces, but no commas, decimal points, or other characters. The character ‘‘-’’ signifies a negative value and should appear in the field to the left of the value. Negative values are only possible for retained revenue, where the settlement payout owed exceeded the billed revenue for a switched service.

Each data record should contain the following fields:

Field	Field contents	Justification within field	Field size	Record positions
1. Filing Carrier Name	characters	left	15	1–15
2. Year of data	numbers	right	2	16–17
3. U.S. Point served	numbers	right	5	18–22
4. International Point or region	numbers	right	5	23–27
5. Service code	numbers	right	3	28–30
6. Footnote indicator	characters	right	3	31–33
7. Description	characters	left	36	34–69
8. Billing Code	numbers	right	2	70–71
9. Data field #1	numbers	right	12	72–83
10. Data field #2	numbers	right	12	84–95
11. Data field #3	numbers	right	12	96–107
12. Data field #4	numbers	right	12	108–119
13. Data field #5	numbers	right	12	120–131

The data fields are further described in Section 2–K below.

Data files can be created using standard editors, word processors spreadsheet programs, data base programs and custom programs. For example, to create a data file using a spreadsheet:

—Set the column widths to equal the field size shown above. Thus, the first column would be 15 characters wide.

—Enter fields as using a ''label'' format, rather than using a ''numeric value'' format. Be careful not to include extra spaces at the end of the line.

—Specify a generic or character oriented printer (the lotus 3.1 sequence would be </> <P>rint <P>rinter <O>ptions <A>dvanced <D>evice <N>ame)

Note: the print file will be useless if you specify a graphics printer or if you try to print in WYSIWYG mode.

—Set the left, top, and bottom margins to 0, set the right margin to 132. Set the page length to 1000 lines.

—Set the print range.

—Print to a <F>ile, rather than to the actual hardware device, and then <G>o. Rename the resulting file using the naming conventions shown above.

C. Filing Carrier Name Field

The filing carrier name should be between 3 and 15 characters. The name field should appear on all data records filed by the carrier, and should be identical for all records filed by the carrier.

D. Year of Data Field

This field should contain the last two digits of the year for which data are being filed. For example, the July 31, 1992 filing will contain data for 1991. Therefore, the year of data field would be ''91''. This would appear on every data record in the file.

E. U.S. Point Served Field

The U.S. Point served country code is used to indicate which United States point is covered by the data record. The codes for United States points are in the range 1001 to 1999, and are the country codes shown in International Points. Contact the Industry Analysis Division if an Off-shore U.S. point is not listed in the report. The Industry Analysis Division will assign a country code for such points. All records in a file must have the same U.S. point code.

F. International Point or Region Field

Where records contain data for traffic between a U.S. point and a specific international point, the code for that international point should be taken from International Points and entered in the International Point field. For example, the code 1 in the international point field would indicate that the record reports traffic between a United States point and Abu Dhabi.

There is no miscellaneous or ''all other'' country code. All traffic must be reported to a specific point. Country-by-country traffic and revenue data for points in a region should total to the amount reported for that region using region codes. Settlement and traffic adjustments which cannot be tied to specific points should be allocated to all appropriate points.

Data records will be rejected if the U.S point and international point are both domestic points.

The international point code for region subtotal and world total summary records should be as follows:

International point code (record field #4)	For services 1 through 9, description field (record field #7)
9001	Western Europe.
9002	Africa.
9003	Middle East.
9004	Caribbean.
9005	North and Central America.
9006	South America.
9007	Asia.
9008	Oceania.
9009	Eastern Europe.
9010	Other Regions.
9999	World Total.

Note: Code 9010—Other Regions, covers Antarctica and Maritime traffic.

Section 1–D of this manual explains which data must be filed on a country-by-country basis, and which data need only be filed on a summary basis. Facilities-based carriers must file regional and world total traffic and revenue subtotals for each service that they provide. However, country-by-country and region totals are not required for smaller international points. See page 13 of the manual. In addition, carriers must file separate world total traffic and revenue by U.S. point for the pure resale traffic that they provide for the domestic United States (Alaska, Hawaii, the conterminous U.S. and Puerto Rico) and for each other U.S. point that they serve.

The international point code 9999 should be used if the record contains world total data for a service. International point code 9999 is not a miscellaneous or ''all other'' code. This code represents a total for all international traffic between a United States point and the rest of the world. Where country-by-country data are filed, records with international point code 9999 contain the totals of records with the same U.S. region, service, and billing codes, and with international point codes between 1 and 1999.

G. Service Code Field

The following service codes should be used:

1 International message telephone service
2 International message telegraph service
3 Telex Service
4 Private Line—Voice

5 Private Line—up to 1200 bits per second (bps)
6 Private Line—1201 bps to 9600 bps
7 Private Line—9601 bps to 30 Million bps (Mbps) or .01 Megahertz to 18 Megahertz
8 Private Line—greater than 30 Mbps to 120 Mbps or greater than 18 Megahertz to 72 Megahertz
9 Private Line—greater than 120 Mbps or greater than 72 megahertz
99 New, Miscellaneous and Other Services

H. Footnote Code Field and Comment Records

The footnote code field should be used to indicate that the paper copies of the 43.61 data, as well as comment records contained in the data file, contain a footnote concerning the data record. The carrier must include footnote text to explain the specific circumstances if any data for the current period differs materially from that filed for the previous period and the difference is not self-explanatory but was caused by unusual circumstances not explained in a previous report. The paper copies of the 43.61 data must include the text of the footnote. These footnotes should be labeled sequentially from 1 to 999, and the footnote should be included in the footnote code field in the data record. Alpha numeric codes may be used only if the carrier needs to provide more than 999 footnotes in the report.

Footnotes and other comments should be included in the data file as comment records. Any record with a blank space (‘‘ ‘‘) in the first position will be treated as a comment record. Please note that some word processors and spreadsheet programs will insert leading spaces when files are printed to diskette. If this occurs, you will need to use an editor to manually delete the spaces.

I. Description Field

For service codes 1 through 9, this field should contain the name of the international point or world region. The name should be identical to the international point name published in *International Points.* Region names are shown in section 2–F above.

For service code 99, this field should be used to identify the service provided. This field is critical because the carrier may use service code 99 for several different types of service. Records with service code 99 will not be accepted unless there are at least 10 characters other than blank spaces in the service description field. The service should be fully described in the paper copy of the section 43.61 filing and in comment fields.

All records pertaining to the same Other International Service should have identical service descriptions in this field. The following standardized names should be employed to report other international services.

Service	Service name (include in field #7)	Traffic measures
Packet switching service	Packet Switching	(1) Kilo segments.
Occasional use television—short term arrangements to facilitate transmission of television signals.	Occasional Television	(1) Hours.
Switched Video	Switched Video	(1) Sessions. (2) Minutes.

J. Billing Code Field

The billing code indicates whether the record contains facilities-based, facilities resale, or pure resale data. Facilities based codes are from 1 to 4, facilities resale codes are from 11 to 14, and the pure resale code is 21. The billing code indicates whether the traffic and revenue information are for U.S billed, foreign billed, or transiting service. Billing codes are shown on page 18 of the manual. Facilities-based private line service will be reported with bill code 1. Facilities resale private line service will be reported with billing code 11.

K. Data elements #1 Through #5

There are five data element fields, each of which is 12 characters wide. These fields should contain right justified integer values with no commas, periods, or other punctuation marks. Revenue should be rounded to the nearest dollar. The contents of the data field will vary depending on the type of service. Section 1–F describes the precise types of information that must be provided. The following figure summarizes the requirements:

Service code	Data field #1	Data field #2	Data field #3	Data field #4	Data field #5
1	Messages*	Minutes	Billed & Settlement Revenue**.	Settlement Payments	Retained Revenue.
2	Messages*	Words	Billed & Settlement Revenue**.	Settlement Payments	Retained Revenue.
3	Messages*	Minutes	Billed & Settlement Revenue**.	Settlement Payments	Retained Revenue.
4–9	Leased Circuits	Voice Equivalent Circuits.	Revenue	(no data)	(no data).
10	Messages*	Minutes	Billed Revenue	Settlement Payments	Retained Revenue.
99	Volume Measure***	Volume Measure***	Billed & Settlement Revenue**.	Settlement Payments if appropriate.	Retained Revenue.

* Messages can be omitted for transiting traffic. Minutes can be omitted for transiting traffic in the public filing.
** Records for U.S. Billed traffic will contain billed revenue. Records for Foreign Billed traffic will contain settlement amounts due from foreign corespondents. Transiting records may combine both billed revenue and settlement amounts due.
*** Volume measures have been specified for some Other International Services. See section 1–C–5 and the table on page 34 of the manual. For other services reported with Service Code 99, use the volume and revenue measures that are most appropriate. See Section 1–F–3. Comment records in the file must indicate the volume and revenue measures provided.

BILLING CODE 6712–01–U

L. EXAMPLE OF A 43.61 REPORT FOR A FACILITIES-BASED CARRIER

43.61 report for New Carrier International, (a facilities based / facilities resale carrier)

****
** Public Version of Data **
****

	Service code					Footnote field	Bill code					
Carrier	YrUS	pt	I	pt		Description	<---------- Data entered as numeric fields ---------->					
							data1	data2	data3	data4	data5	
field size and justification -- right unless noted												
15 (left)	2	5	5	3	3	36 (left)	2	12	12	12	12	12
International Message Telephone Service : U.S. Billed facilities based service												
NewCarrier	94	1327	31	1		Belgium	1	1125	7031	4100	4500	-400
NewCarrier	94	1327	112	1		Germany	1	2250	14062	12375	9000	3375
NewCarrier	94	1327	293	1		Spain	1	3000	18750	16500	12000	4500
NewCarrier	94	1327	326	1		United Kingdom	1	4000	25000	22000	16000	6000
NewCarrier	94	1327	9001	1		Western Europe	1	10375	64843	54975	41500	13475
NewCarrier	94	1327	54	1		Canada	1	8000	35000	17000	8000	9000
NewCarrier	94	1327	194	1		Mexico	1	8000	35000	38000	35000	3000
NewCarrier	94	1327	9005	1		North and Central America	1	16000	70000	55000	43000	12000
NewCarrier	94	1327	9999	1		World Total	1	26375	134843	109975	84500	25475
International Message Telephone Service : Foreign Billed facilities based service												
NewCarrier	94	1327	31	1		Belgium	2	1000	4000	2560		2560
NewCarrier	94	1327	112	1		Germany	2	2000	3000	1920		1920
NewCarrier	94	1327	293	1		Spain	2	1500	3000	1920		1920
NewCarrier	94	1327	326	1		United Kingdom	2	2000	6700	4288		4288

NewCarrier	94	1327	9001	1	Western Europe	2	6500	16700	10688		10688
NewCarrier	94	1327	54	1	Canada	2	6000	20000	4571		4571
NewCarrier	94	1327	194	1	Mexico	2	5000	23000	5000		5000
NewCarrier	94	1327	9005	1	North and Central America	2	11000	43000	9571		9571
NewCarrier	94	1327	9999	1	World Total	2	17500	59700	20259		20259
International Message Telephone Service : Transiting facilities based service											
NewCarrier	94	1327	326	1	United Kingdom	3			14000	7000	7000
NewCarrier	94	1327	9999	1	World Total	3			14000	7000	7000
International Private Line -- facilities based service											
NewCarrier	94	1327	112	4	Germany	1	40	40	25000		
NewCarrier	94	1327	326	4	United Kingdom	1	50	50	25000		
NewCarrier	94	1327	9001	4	Western Europe	1	90	90	50000		
NewCarrier	94	1327	9999	4	World Total	1	90	90	50000		
NewCarrier	94	1327	326	7	United Kingdom	1	5	120	75000		
NewCarrier	94	1327	9001	7	Western Europe	1	5	120	75000		
NewCarrier	94	1327	9999	7	World Total	1	5	120	75000		
International Private Line -- facilities resale service											
NewCarrier	94	1327	31	4	Belgium	11	30	30	14000		
NewCarrier	94	1327	326	4	United Kingdom	11	25	25	12000		
NewCarrier	94	1327	9001	4	Western Europe	11	55	55	26000		
NewCarrier	94	1327	9999	4	World Total	11	55	55	26000		

43.61 report for New Carrier International, (a facilities based / facilities resale carrier)

****

** PROPRIETARY VERSION OF DATA **

****

International Message Telephone Service : U.S. Billed facilities based service

Calls originating and billed in the U.S., and calls originating outside U.S, billed collect or to a U.S. 800 number.

NewCarrier	94	1327	31	1	Belgium	1	1125	7031	4100	4500	-400
NewCarrier	94	1327	112	1	Germany	1	2250	14062	12375	9000	3375
NewCarrier	94	1327	293	1	Spain	1	3000	18750	16500	12000	4500
NewCarrier	94	1327	326	1	United Kingdom	1	3450	22250	16500	14200	2300
NewCarrier	94	1327	9001	1	Western Europe	1	9825	62093	49475	39700	9775
NewCarrier	94	1327	54	1	Canada	1	8000	35000	17000	8000	9000
NewCarrier	94	1327	194	1	Mexico	1	8000	35000	38000	35000	3000
NewCarrier	94	1327	9005	1	North and Central America	1	16000	70000	55000	43000	12000
NewCarrier	94	1327	9999	1	World Total	1	25825	132093	104475	82700	21775
calls originating outside the U.S., billed by U.S. carrier as 'country beyond' service											
NewCarrier	94	1327	326	1	United Kingdom	4	550	2750	5500	1800	3700
NewCarrier	94	1327	9001	1	Western Europe	4	550	2750	5500	1800	3700
NewCarrier	94	1327	9999	1	World Total	4	550	2750	5500	1800	3700
International Message Telephone Service : Foreign Billed facilities based service											
NewCarrier	94	1327	31	1	Belgium	2	1000	4000	2560		2560
NewCarrier	94	1327	112	1	Germany	2	2000	3000	1920		1920
NewCarrier	94	1327	293	1	Spain	2	1500	3000	1920		1920
NewCarrier	94	1327	326	1	United Kingdom	2	2000	6700	4275		4275
NewCarrier	94	1327	9001	1	Western Europe	2	6500	16700	10675		10675
NewCarrier	94	1327	54	1	Canada	2	6000	20000	4571		4571
NewCarrier	94	1327	194	1	Mexico	2	5000	23000	5000		5000
NewCarrier	94	1327	9005	1	North and Central America	2	11000	43000	9571		9571
NewCarrier	94	1327	9999	1	World Total	2	17500	59700	20246		20246
International Message Telephone Service : Transiting facilities based service											
NewCarrier	94	1327	326	1	United Kingdom	3		7000	14000	7000	7000

NewCarrier	94	1327	9999	1	World Total	3		7000	14000	7000	7000
International Private Line -- facilities based service											
NewCarrier	94	1327	112	4	Germany	1	40	40	25000		
NewCarrier	94	1327	326	4	United Kingdom	1	50	50	25000		
NewCarrier	94	1327	9001	4	Western Europe	1	90	90	50000		
NewCarrier	94	1327	9999	4	World Total	1	90	90	50000		
NewCarrier	94	1327	326	7	United Kingdom	1	5	120	75000		
NewCarrier	94	1327	9001	7	Western Europe	1	5	120	60000		
NewCarrier	94	1327	9999	7	World Total	1	5	120	66667		
International Private Line -- facilities resale service											
NewCarrier	94	1327	31	4	Belgium	11	30	30	14000		
NewCarrier	94	1327	326	4	United Kingdom	11	25	25	12000		
NewCarrier	94	1327	9001	4	Western Europe	11	55	55	26000		
NewCarrier	94	1327	9999	4	World Total	11	55	55	26000		

BILLING CODE 6712-01-C

Section 3 Simplified Instructions for Pure Resale Carriers

This section details the filing requirements for pure resale traffic and is intended to be a stand alone manual for pure resellers of switched services. Pure resale services are not provided to the public over the reseller's international channels of communications, but instead are provided by reselling switched communications service of other international carriers. Pure resellers may own switching equipment as well as domestic circuits.

A. Definitions and Data To Be Filed

Each pure reseller must file world total traffic and revenue data for each service that it provides. Pure resellers may consolidate pure resale traffic for domestic U.S. points (the Conterminous United States, Alaska, Hawaii, and Puerto Rico). Pure resellers must file separate data for each additional U.S. point served, i.e. American Samoa, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Atoll, Navassa Island, Northern Mariana Islands, Palmyra Atoll, Wake Island and the U.S. Virgin Islands.

International Message Telephone, International Message Telegraph, Telex, and Miscellaneous or Other services can be offered on a pure resale basis. International Message Telephone Service includes call-back service, hot line service, and other resale services where the point of origin for the call differs from the billing location.

''Call-back'' refers to an arrangement in which a customer in a foreign country uses foreign facilities to dial a preassigned telephone number in the United States. The call is not completed, but the presence of signaling information triggers a call back to the customer, who receives a dial tone from the U.S. carrier's switch. The customer can then place a call via outbound switched service of the U.S. carrier. Three separate calls have been placed: an unanswered call placed by the customer; a call back to the customer placed by the carrier; and a call to number then requested by the customer. The final call either terminates at a U.S. telephone or physically transits the United States. The customer that initiates the call-back is billed by the U.S. carrier. Typically, the call-back carrier provides the service by reselling the international services of other U.S. carriers. The underlying carrier will bill the call-back carrier for the call that goes from the call-back carrier switch to the customer, and for the call that goes from the call-back carrier to the ultimate call destination. The Commission has granted a 214 application to provide this service. *VIA USA, Ltd et al.* 9 FCC Rcd 2288 (1994).

In offering a ''hot line'' arrangement, the U.S. carrier continuously places calls to the telephone of a subscriber located outside the United States. The called party's telephone has a disconnected ringer. When the called party wants to access a U.S. dial tone to place an international call, he or she simply picks up the receiver and ''answers'' one of several thousand continuous calls made to that particular phone during the day and receives a dial tone at the U.S. carrier's location. The U.S. carrier completes and bills the call.

Traffic and revenue totals should not include traffic between domestic U.S. points. Traffic and revenue totals should be based on amounts billed to customers with no allowance for uncollectibles. However, unbillable traffic should not be included. Revenue amounts should reflect all discounts attributable to international service. Traffic and revenue totals should be based on service actually provided during the reporting year, regardless of when the traffic was actually billed. Revenue should not include taxes shown on customer bills.

Pure resellers providing message telephone service must also provide a list of the countries where calls terminated during the reporting year. Table 5 of International Points used for FCC Reporting Purposes is a check list that can be used for this purpose. Carriers serving a domestic U.S. point should not check off other domestic U.S. points, since the traffic totals should exclude traffic between domestic U.S. points. The report should also contain any additional data or information that the carrier deems relevant or necessary to understanding the data it is required to file. In addition to providing the points served, pure resale carriers must file the following data for each service that they provide.

Service	Traffic data
International message telephone service.	World totals by billing type: messages, minutes, and carrier revenues.
International message telegraph service.	World totals by billing type: messages, words, and carrier revenues.
International telex service.	World total by billing type: messages, words, and carrier revenues.
Each other international services.	World total by billing type: messages, minutes, words, kilo segments, sessions, contracts, and carrier revenues as appropriate.

B. Filing Procedures

Section 43.61(a) directs carriers to file reports by July 31, reporting service actually provided in the preceding calendar year. Section 43.61(c) provides that carriers shall submit a revised report by October 31 identifying and correcting errors in the July 31 filing. Carriers do not need to file revised data where corrected figures are within five percent of the figures filed in the July 31 filing. The five percent guideline covers fluctuations in traffic or revenue totals due to corrections and true-ups that occur during the billing and settlement process. This exception is not intended to cover instances where carriers discover that they have filed erroneous data due to procedural mistakes made while preparing section 43.61 reports.

The following schedule details the number of copies required and the location to which those copies should be delivered. This schedule applies to the July 31 and October 31 filings.

Mailing address	Transmittal letter	Certification and report*
FCC Secretary, Mail Stop 1170, 1919 M Street, NW., Washington, DC 20554.	Original	
FCC Common Carrier Bureau Industry Analysis Division, Mail Stop 1600 F, 1919 M Street, NW., Washington, DC 20554.	2 copies ...	Original and 1 copy.
The FCC's Contract Copier**, Room 246, 1919 M Street, NW., Washington, DC 20037.	1 copy	1 copy.

*Pure resale traffic need not be filed on diskette.

**Currently *International Transcription Services, Inc.*

The transmittal letter should identify the name of the carrier, the date of the filing, and should state that Section 43.61 data has been filed with the Common Carrier Bureau Industry Analysis Division and the Commission's

current contract copier. The original of the transmittal letter should be filed with the Secretary of the FCC. Copies of the transmittal letter should be filed with the Industry Analysis Division and the Commission's current contract copier.

Carriers must certify the accuracy of the data submitted in FCC Report 43.61 by including a signed certification statement as the last page of the paper report. The statement must be signed by an officer of the reporting carrier. An officer is a person who occupies a position specified in the articles of incorporation (or partnership agreement), and would typically be president, vice president for operations, vice-president for finance, comptroller, treasurer or a comparable position. If the carrier is a sole proprietorship the owner must sign the certification. The original and one copy of the certification statement should be filed with the Industry Analysis Division. One copy of the certification should be filed with the Commission's current contract copier.

For additional information, comments or suggestions, contact the Common Carrier Bureau's, Industry Analysis Division (202) 418–0940.

The certification statement is included below:

Certification

I certify that I am an officer of _____; that I have examined the foregoing report and that to the best of my knowledge, information and belief, all statements of fact contained in this report are true and that said report is an accurate statement of the affairs of the above named respondent in respect to the data set forth herein for the period from _____ to _____.

Printed Name _____

Position _____

Signature _____

Date _____

C. Sample 43.61 Report for a Pure Resale Company

IAD International

International Traffic and Revenue Report for 1994 Filed Pursuant to Section 43.61 of the Commission's Rules

International Message Telephone Service provided on a pure resale basis, including Call-back type service.

I. Traffic originated from U.S. Domestic Points [does not include traffic between U.S. domestic points].

A. Served: Alaska, Hawaii, Puerto Rico and the Conterminous United States.

B. International points served are attached.

C. Traffic Data consolidated for Domestic U.S. points: Messages, 21,000,258; Minutes, 28,208,890; and Billed Revenue, $16,003,920.

II. Traffic originated from U.S. Virgin Islands.

A. International points served are attached.

B. Traffic Data: Messages, 258; Minutes, 890; and Billed Revenue, $920.

D. Example Check Sheet for International Points Served

This Check Sheet was taken from Table 5 of ''International Points Used for FCC Reporting (Check Alaska, Conterminous U.S., Hawaii, or Puerto Rico ONLY if you are reporting service for non-domestic U.S. points.)

3	Afghanistan
1005	Alaska
6	Albania
8	Algeria
1009	American Samoa
10	Andorra
12	Angola
13	Anguilla
14	Antarctica
15	Antigua and Barbuda
16	Argentina
17	Armenia
8	Aruba
20	Australia
21	Austria
22	Azerbaijan
24	Bahamas, The
25	Bahrain
1026	Baker Island
28	Bangladesh
29	Barbados
50	Belarus
31	Belgium
32	Belize
33	Benin
35	Bermuda
36	Bhutan
37	Bolivia
40	Bosnia and Herzegovina
41	Botswana
43	Brazil
44	Brunei
46	Bulgaria
47	Burkina
48	Burma
49	Burundi
384	Czech Republic
81	Denmark
82	Djibouti
83	Dominica
84	Dominican Republic
87	Ecuador
88	Egypt
89	El Salvador
91	Equatorial Guinea
93	Estonia
94	Ethiopia
98	Fiji
99	Finland
101	France
103	French Guiana
102	French Overseas Departm
104	French Polynesia
354	French Southern and Ant
106	Gabon
108	Gambia, The
111	Georgia
112	Germany
114	Ghana
115	Gibraltar
118	Greece
120	Greenland
121	Grenada
123	Guadeloupe
1124	Guam
127	Guatemala
129	Guinea
130	Guinea-Bissau
131	Guyana
132	Haiti
1133	Hawaii
136	Honduras
158	Kiribati
159	Korea, North
160	Korea, South
161	Kuwait
162	Kyrgyzstan
163	Laos
164	Latvia
165	Lebanon
166	Lesotho
167	Liberia
168	Libya
169	Liechtenstein
171	Lithuania
173	Luxembourg
174	Macau
176	Madagascar
179	Malawi
180	Malaysia
181	Maldives
182	Mali
183	Malta
185	Maritime—Atlantic
186	Maritime-other oceans
187	Maritime—Pacific
188	Marshall Islands
190	Mauritania
191	Mauritius
194	Mexico
195	Micronesia
1196	Midway Atoll
197	Moldova
199	Mongolia
202	Montserrat
203	Morocco
205	Mozambique
207	Namibia

52 Cambodia
53 Cameroon
54 Canada
55 Canary Island
56 Cape Verde
58 Cayman Islands
59 Central African Republi
61 Chad
350 Chagos Archipelago
63 Chile
64 China
68 Colombia
69 Comoros
70 Congo
71 Cook Islands
74 Costa Rica
75 Cote d'Ivoire
76 Croatia
77 Cuba
79 Cyprus
238 Paraguay
239 Peru
241 Philippines
244 Poland
245 Portugal
1247 Puerto Rico
248 Qatar
253 Reunion
254 Romania
257 Russia
258 Rwanda
264 Saint Helena
265 Saint Kitts and Nevis
266 Saint Lucia
269 Saint Pierre and Miquel
270 Saint Vincent and the G
277 Sao Tome and Principe
279 Saudi Arabia
281 Senegal
282 Serbia
283 Seychelles
286 Sierra Leone
287 Singapore
385 Slovakia
289 Slovenia
290 Solomon Islands
291 Somalia
292 South Africa
293 Spain
294 Sri Lanka
295 Sudan
296 Suriname
298 Swaziland
299 Sweden
300 Switzerland
301 Syria
303 Taiwan
304 Tajikistan
305 Tanzania
307 Thailand
310 Togo
312 Tonga
315 Trinidad and Tobago
316 Tunisia
317 Turkey
318 Turkmenistan
319 Turks and Caicos Island
320 Tuvalu
321 Uganda
322 Ukraine
325 United Arab Emirates
326 United Kingdom
1327 United States (contermi)
137 Hong Kong
1138 Howland Island
139 Hungary
140 Iceland
141 India
142 Indonesia
143 Iran
144 Iraq
145 Ireland
148 Israel
149 Italy
150 Jamaica
151 Japan
1369 Jarvis Island
1153 Johnston Atoll
154 Jordan
52 Kampuchea
156 Kazakhstan
157 Kenya
1371 Kingman Reef
332 Vanuatu
334 Venezuela
335 Vietnam
337 Virgin Islands, British
1338 Wake Island
340 Wallis and Futuna
343 Western Sahara
344 Western Samoa
345 Yemen
347 Zaire
348 Zambia
349 Zimbabwe
208 Nauru
1374 Navassa Island
209 Nepal
210 Netherlands
211 Netherlands Antilles
213 Caledonia
217 New Zealand
219 Nicaragua
220 Niger
221 Nigeria
222 Niue
223 Norfolk Island
1363 Northern Mariana Island
226 Norway
230 Oman
231 Pacific Islands (Palau)
232 Pakistan
1234 Palmyra Atoll
235 Panama
237 Papua New Guinea

328 Uruguay
330 Uzbekistan
1331 U.S. Virgin Islands

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 96–2615 Filed 2–8–96; 8:45 am]
BILLING CODE 6712–01–U

47 CFR Part 63

[IB Docket No. 95–22, FCC 95–475]

Market Entry and Regulation of Foreign-affiliated Entities

AGENCY: Federal Communications Commission.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations (FCC 95–475), which were published Friday, December 29, 1995 (60 FR 67332). The regulations relate to the market entry of foreign-affiliated carriers into the United States for the provision of international telecommunications services.

EFFECTIVE DATE: January 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ken Schagrin (202) 418–1407.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final regulations contains an error which needs to be corrected.

Correction of Publication

Accordingly, the publication on December 29, 1995 of the final regulations (FCC 95–475) which were the subject of FR Doc. 95–31099 is corrected as follows:

§ 63.17 [Corrected]

Paragraph 1. On page 67339, in the first column, in § 63.17, paragraph (b), the phrase ''Except as provided in paragraph (b)(5) * * *'' is corrected to read ''Except as provided in paragraph (b)(4) * * *''.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 96–2840 Filed 2–8–96; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 251 and 258

[FRA Docket No. RRR–1, Notice No. 1]

RIN 2130–AB03

Removal of Federal Railroad Regulations Pursuant to Regulatory Reform

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In connection with the President's Regulatory Reform Initiative, the FRA has reviewed all of its exiting regulations. This review identified regulations in 49 CFR Chapter II that are being removed because they are obsolete or the authorization for them does not currently exist. The FRA expects that this final rule will reduce the administrative burden to government and industry, reduce government printing costs, and provide a more concise and useful Title 49, Code of Federal Regulations.

EFFECTIVE DATE: The rule becomes effective on March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Elizabeth Sorrells, Attorney Advisor, Office of Chief Counsel, FRA, 400 Seventh Street SW., Washington, DC 20590, (telephone: (202) 366–4782)).

SUPPLEMENTARY INFORMATION: On March 4, 1995, the President issued a memorandum directing the heads of federal departments and agencies to conduct a page-by-page review of all agency regulations now in force and eliminate or revise those that are outdated or otherwise in need of reform. FRA has conducted a page-by-page review of all of its regulations and identified obsolete regulations for removal, as follows:

49 CFR Part 251—Loans and Guarantees of Loans Under Rail Service Passenger Act of 1970

This part is being removed because the authorities for it, 45 U.S.C. 602 (section 602 of the Rail Passenger Service Act of 1970) and 45 U.S.C. 621 (section 701 of the Rail Service Passenger Service Act of 1970) were initially repealed, respectively, on October 27, 1992 by Pub. L. No. 102–533, sec. 7(c), 106 Stat. 3519 and on April 7, 1986, by Pub. L. No. 99–272, sec. 4007(c), 100 Stat. 108, and again on July 5, 1995 by Pub. L. No. 103–272, the Codification of Certain U.S. Department of Transportation Laws as Title 49, United States Code.

49 CFR Part 258—Regulations Governing Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, As Amended

This part is being removed because authorization for it has expired and no reauthorization is anticipated.

Regulatory Impact

Executive Order 12866 and DOT Regulatory Policies

This final rule has been evaluated in accordance with existing regulatory policies. The regulatory document is considered to be a nonsignificant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of 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. This rulemaking has been reviewed under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) and found to be a nonsignificant rule.

In its regulatory analysis, FRA has determined that this rulemaking presents no substantive issue which it could reasonably expect would produce meaningful public comment since it is merely removing, pursuant to Presidential directive, obsolete regulations, retention of which could serve no useful purpose. Accordingly, pursuant to 5 U.S.C. 553 (c) and (d), the

Administrative Procedure Act, FRA finds good cause exists to publish this as a final rule without opportunity for public comment, and to make it effective on the date of publication.

Federalism

FRA has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities. In reviewing the economic impact of the rule, FRA concluded that it will not have any measureable impact on small entities. There are no direct or indirect economic impacts for small units of government, businesses, or other organizations. Therefore, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rulemaking contains no reporting requirements that are subject to OMB approval under 5 CFR part 1320, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

Environmental Assessment

This final rule meets the criteria that establish this as a non-major action for environmental purposes.

List of Subjects

49 CFR Part 251

Loan programs—transportation, Railroads.

49 CFR Part 258

Grant programs—transportation, Railroads.

Accordingly, for the reasons set forth in the Preamble, under the authority of 45 U.S.C. 602, 45 U.S.C. 621 and 49 U.S.C. 1651 FRA is amending 49 CFR Ch. II by removing parts 251 and 258.

PARTS 251 AND 258—[REMOVED]

Issued in Washington, DC, on January 31, 1996.

Jolene M. Molitoris,

Administrator, Federal Railroad Administration.

[FR Doc. 96–2715 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–09; Notice 44]

RIN 2127–AF02

Federal Motor Vehicle Safety Standards; Child Restraint Systems

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

ACTION: Clarification of compliance date.

SUMMARY: The subject of this document is a final rule that amended Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems,'' (49 CFR § 571.213) to add a greater array of sizes and weights of test dummies for use in compliance tests. The compliance date for the rule (i.e., the date on which manufacturers must begin complying with the amendments) is September 1, 1996.

NHTSA typically includes language in its regulations, when appropriate, to permit manufacturers the option of complying with new requirements before the compliance date of those requirements. However, the agency inadvertently omitted such language from the above-mentioned rulemaking documents. This document corrects this oversight and announces the date on which it became permissible for manufacturers to begin voluntarily producing child restraint systems that comply with the new requirements.

DATES: The effective date (i.e., the date on which the text of the CFR is changed) of the final rule published July 6, 1995 (60 FR 35126) and corrected September 29, 1995 (60 FR 50477), remains January 3, 1996.

Beginning January 3, 1996, it was permissible for manufacturers to begin complying with these amendments voluntarily.

The mandatory compliance date for the amendments made by those documents (i.e., the date on which manufacturers must begin complying with the amendments) is September 1, 1996.

FOR FURTHER INFORMATION CONTACT:

For nonlegal issues: Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202–366–4919).

For legal issues: Ms. Deirdre Fujita, Office of the Chief Counsel (202–366–2992). Both can be reached at the National Highway Traffic Safety Administration, 400 Seventh St., S.W., Washington, D.C., 20590.

SUPPLEMENTARY INFORMATION: On July 6, 1995 (60 FR 35126), NHTSA published a final rule (later corrected September 29, 1995 (60 FR 50477)) amending Standard 213, ''Child Restraint Systems,'' to add a greater array of sizes and weights of test dummies for use in compliance tests and to revise labeling requirements. (This amendment is hereinafter referred to as ''the upgraded requirements.'') The compliance date for the rule for manufacturers of add-on (portable) child restraints was January 3, 1996. In response to requests in petitions for reconsideration from two manufacturers of add-on restraints, NHTSA extended this compliance date to September 1, 1996, to provide more leadtime to manufacturers of add-on restraints to meet the requirements and to make the compliance date the same as that for manufacturers of built-in restraints. 60 FR 63651, December 12, 1995.

Ms. Kathleen Weber of the Child Passenger Protection Research Program of the University of Michigan Medical School (UM–CPP) asked the agency whether manufacturers of add-on systems could begin meeting the upgraded requirements before September 1, 1996, the compliance date for those requirements. She stated that while some manufacturers may need until September 1996 to comply, other manufacturers might already have the capability to meet the upgraded requirements and might wish to meet them before that date.

In its rules amending FMVSSs to add new requirements, NHTSA usually discusses the issue of whether vehicles or equipment manufactured before the compliance date for the new requirements may comply with those new requirements in lieu of complying with the existing requirements. However, in the rules establishing the upgraded requirements for Standard 213 and extending the compliance date of the requirements for add-on restraints to September 1996, the agency inadvertently omitted any discussion of early voluntary compliance. To correct that oversight, this document makes it clear that add-on and built-in child restraint systems may comply with the upgraded requirements in advance of the September 1, 1996 mandatory compliance date without violating any other provisions in Standard 213 or 49 U.S.C. 30101 *et seq.* (formerly the National Traffic and Motor Vehicle Safety Act).

NHTSA notes, however, that the upgraded requirements are subject to change. There are still a number of pending petitions for reconsideration of the July 1995 rule. While NHTSA responded to the requests in the petitions for reconsideration of the

effective (compliance) date for the rule, the agency has yet to respond to requests concerning several substantive provisions of the rule. Those provisions include the ones specifying which child test dummy is used to test a particular restraint system, and the ones specifying new labeling requirements. The agency's decision on these requests will be announced in the Federal Register in the near future. If the agency makes changes in the upgraded requirements of July 1995 in response to those requests, those changes could affect those manufacturers which voluntarily comply with the July 1995 requirements before the mandatory compliance date of September 1, 1996, as well as all child restraint manufacturers after that date. Thus, while manufacturers which voluntarily comply with the upgraded requirements as currently written will be in compliance with Standard 213, they would be responsible for complying with any revised requirements (made in response to petitions for reconsideration) once the mandatory compliance date for those revisions takes effect. If the agency makes any changes, it would provide whatever leadtime, if any, is necessary to meet them.

This document does not impose any additional responsibilities on any child restraint or vehicle manufacturer. Instead, it corrects an oversight in the rules of July 6, 1995, as corrected, and of December 12, 1995. This document merely clarifies that manufacturers which wish to produce restraints that comply with the upgraded requirements of Standard 213 before September 1, 1996, may do so.

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

Issued on: February 5, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–2741 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 61, No. 28
Friday, February 9, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AH28

Prevailing Rate Systems; Changes in Survey Responsibilities for Certain Appropriated Fund Federal Wage System Wage Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to change survey responsibilities for several appropriated fund Federal Wage System (FWS) wage areas in recognition of shifting employment patterns among agencies and the need for lead agencies to balance their wage survey workloads throughout the 2-year survey cycle. The proposed changes are designed to improve administration of the Federal Wage System and would effect the following local wage areas: Eastern South Dakota; Ft. Wayne-Marion, Indiana; Madison, Wisconsin; Buffalo, New York; Pittsburgh, Pennsylvania; Augusta, Maine; Southeastern Michigan; and Southwestern Oregon.

DATES: Comments must be received on or before March 11, 1996.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Policy, Human Resources Systems Service, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415, or Fax: (202) 606–0824.

FOR FURTHER INFORMATION CONTACT: Angela Graham Humes, (202) 606–2848.

SUPPLEMENTARY INFORMATION: OPM has received several requests for changes in the lead agency responsibility for FWS surveys and in the timing of such surveys. The Department of Veterans Affairs (VA) requested that the Department of Defense (DOD) assume responsibility for the following wage areas: Eastern South Dakota; Ft. Wayne-Marion, Indiana; Madison, Wisconsin; and Buffalo, New York. VA's request was based on several factors. First, in each of the wage areas, DOD has the largest number of FWS employees. Additionally, VA host activities are experiencing difficulty in providing personnel and logistical support for the FWS surveys because of continuing employment reductions, the delegation of certain human resources responsibilities to VA field activities, and additional requirements at the local level associated with the VA Nurse Locality Pay System.

DOD has indicated its willingness to assume this responsibility. However, in order to balance the increased survey workload, DOD has requested a change in the timing of the Buffalo, New York, full-scale survey from even years to odd years and of the Eastern South Dakota full-scale survey from odd years to even years. Accomplishing the changes would require consecutive full-scale surveys.

As lead agency for the Pittsburgh, Pennsylvania; Augusta, Maine; and Southwestern Michigan wage areas, VA also requested changes in the survey order month and full-scale survey year for these wage areas in order to improve the balance of its remaining survey workload. VA requested to advance the survey order month for the Pittsburgh, Pennsylvania, wage area from August to July and to change the timing of the Augusta, Maine, full-scale survey from odd years to even years and of the Southwestern Michigan full-scale from even years to odd years. The odd/even changes would require consecutive full-scale surveys.

Finally, VA requested, and OPM approved by letter in 1989 and 1990, changes in the survey order months for 1990 full-scale surveys in the Ft. Wayne-Marion, Indiana, and Southwestern Oregon wage areas. However, the new survey order months of October and June, respectively, were not incorporated into OPM regulations at that time. The proposed rule belatedly reflects the *de facto* change of the survey order months for the Ft. Wayne-Marion, Indiana, wage area from November to October and for the Southwestern Oregon wage area from May to June.

On behalf of the affected agencies, OPM presented the proposals described above for discussion by the Federal Prevailing Rate Advisory Committee, which has reviewed and concurred with the proposed changes.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.
Lorraine A. Green,
Deputy Director.

Accordingly, the Office of Personnel Management proposes to amend 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

2. Appendix A to subpart B of part 532 is amended by revising the entries for Fort Wayne-Marion, Indiana; Augusta, Maine; Southwestern Michigan, Michigan; Buffalo, New York; Southwestern Oregon, Oregon; Pittsburgh, Pennsylvania; Eastern South Dakota, South Dakota; and Madison, Wisconsin and by adding a footnote to read as follows:

Appendix A to Subpart B of Part 532—Nationwide Schedule of Appropriated Fund Regular Wage Surveys

* * * * *

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full scale survey odd or even
*	*	*	*	*
Indiana * * *	Fort Wayne-Marion	DoD	October	Odd.
*	*	*	*	*
Maine	Augusta[1]	VA	May	Even.
*	*	*	*	*
Michigan * * *	Southwestern Michigan[1]	VA	October	Odd.
*	*	*	*	*
New York * * *	Buffalo[1]	DoD	September	Odd.
*	*	*	*	*
Oregon * * *	Southwestern Oregon	VA	June	Even.
*	*	*	*	*
Pennsylvania * * *	Pittsburgh	VA	July	Odd.
*	*	*	*	*
South Dakota	Eastern South Dakota[1]	DoD	October	Even.
*	*	*	*	*
Wisconsin	Madison	DoD	July	Even.
*	*	*	*	*

[1] The revised fiscal year entries are scheduled to begin for Augusta, Maine, in fiscal year 1996; for Buffalo, New York and Southwestern Michigan in fiscal year 1997; and for Eastern South Dakota in fiscal year 1998.

[FR Doc. 96–2285 Filed 2–8–96; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 980

[FV95–980–1PR]

Vegetables; Import Regulations; Modification of Regulatory Time Periods for Imported Onions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule would modify the time periods when imported onions are regulated based on the grade, size, quality, and maturity requirements of the South Texas onion and Idaho-Eastern Oregon onion marketing orders. The proposed change is needed to make the onion import requirements consistent with regulatory time period changes made under the South Texas onion marketing order. This action is required by section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Comments must be received by March 11, 1996.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax number (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 690–0464; Fax number (202) 720–5698.

SUPPLEMENTARY INFORMATION: This proposal is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866. This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this proposed rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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. There are approximately 148 importers of onions who would be affected by this proposal. Small agricultural service firms, which include onion importers, have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000. The majority of onion importers may be classified as small entities.

Import regulations issued under the Act are based on regulations established under Federal marketing orders which regulate the handling of domestically produced products. Thus, this proposed rule should have small entity orientation, and impact on both small and large business entities in a manner comparable to rules issued under marketing orders. This rule proposes to modify the dates when imported onions are regulated, based on requirements of the South Texas onion and Idaho-Eastern Oregon onion marketing orders.

Section 8e of the Act provides that whenever certain specified commodities, including onions, are regulated under a Federal marketing order, imports of that commodity into the United States are prohibited unless they meet the same or comparable grade, size, quality, and maturity requirements. Section 8e also provides that whenever two or more marketing orders regulate the same commodity produced in different areas of the United States, the Secretary shall determine with which area the imported commodity is in most direct competition and apply regulations based on that area to the imported commodity.

Marketing Order No. 958 regulates onions grown in certain counties of

Idaho and Eastern Oregon and Marketing Order No. 959 regulates onions grown in South Texas. Fresh onion shipments from Idaho-Eastern Oregon are regulated throughout the year, while onion shipments from South Texas had been regulated from March 1 through June 15 each year. On the basis of past shipment data, the Secretary determined that onions imported during the March 10 through June 15 period were in most direct competition with onions grown in South Texas and found that the minimum grade, size, quality, and maturity requirements for onions imported during that period should be the same as those established for South Texas onions under Marketing Order No. 959. The Secretary further determined that onions imported during the June 16 through March 9 period were in most direct competition with onions grown in Idaho-Eastern Oregon and that the minimum grade, size, quality, and maturity requirements for onions imported during that period should be the same as those established for Idaho-Eastern Oregon onions under Marketing Order No. 959.

Based on a recommendation of the South Texas Onion Committee (committee), the agency responsible for local administration of Marketing Order No. 959, the Department is proposing to change the end of the South Texas regulatory period from June 15 to June 4. Because South Texas onions would no longer be regulated after June 4, and Idaho-Eastern Oregon onions are regulated throughout the year, it is proposed that onions imported during the March 10 through June 4 period are in most direct competition with onions produced in South Texas and that the minimum grade, size, quality, and maturity requirements established under the South Texas marketing order should apply to onions imported during the March 10 through June 4 period, instead of the current March 10 through June 15 period. Imports of onions during the June 5 through March 9 period should be required to meet minimum grade, size, quality, and maturity requirements based on those established under the Idaho-Eastern Oregon marketing order.

In accordance with section 8e of the Act, the U.S. Trade Representative has concurred with the issuance of this proposed rule.

Based on the above, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 980

Food grades and standards, Imports, Marketing agreements, Onions, Potatoes, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 980 is proposed to be amended as follows:

PART 980—VEGETABLES; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 980 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 980.117 [Amended]

2. In § 980.117, paragraph (a)(2) is amended by removing ''June 16'' and adding in its place ''June 5'' and by removing ''June 15'' and adding in its place ''June 4''; paragraph (b)(1) is amended by removing ''June 16'' and adding in its place ''June 5''; and paragraph (b)(2) is amended by removing ''June 15'' and adding in its place ''June 4''.

Dated: January 31, 1996.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 96–2751 Filed 2–8–96; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–96–1]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

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

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

DATES: Comments on petitions received must identify the petition docket number involved and must be received April 9, 1996.

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

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–3132. Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

FOR FURTHER INFORMATION CONTACT:

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

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

Issued in Washington, DC on February 2, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Disposition of Petitions

Docket No.: 27375.

Petitioner: Professional Pilots Federation.

Sections of the FAR Affected: 14 CFR 121.383(c).

Description of Rule change Sought: To repeal § 121.383(c), referred to as the Age 60 rule.

Petitioner's Reason for the Request: The petitioner feels that Federal law and policy, operational regulatory developments since promulgation of the rule, and the results of the Hilton Study warrant the removal.

Denial; December 28, 1995.

[FR Doc. 96–2851 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 95–NM–122–AD]

Airworthiness Directives; Beech Model BAe 125–800A and Model Hawker 800 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model BAe 125–800A and Model Hawker 800 airplanes. This proposal would require modification of the airframe structure in the lower area of the fuselage aft of the wing rear spar. For certain airplanes, this proposal would also require a functional test to determine if a particular bolt fouls the flap control system. This proposal is prompted by reports of restricted control of the aileron due to water accumulation that froze in the area around an aileron pulley located in the lower area of the fuselage aft of the wing rear spar. The actions specified by the proposed AD are intended to prevent such water accumulation, which could freeze and result in restricted control of the ailerons; subsequently, this could reduce the pilot's ability to initiate roll control during critical phases of flight.

DATES: Comments must be received by March 22, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–122–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Co., Manger Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–122–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–122–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Beech Model BAe 125–800A and Model Hawker 800 airplanes. The CAA advises that it has received several reports of restricted control of the aileron. Investigation revealed that potable water leaked from the potable water supply system of the galley and lavatory and accumulated in the lower area of the fuselage aft of the wing rear spar. This water then drained to and accumulated in the area around an aileron pulley located in the subject area, and eventually froze. These conditions, if not corrected, could result in restricted control of the ailerons, and, subsequently, reduce the pilot's ability to initiate roll control during critical phases of flight.

The manufacturer has issued Hawker Service Bulletin SB.53–82–3566G, dated March 1, 1995; Revision 1, dated March 14, 1995; Revision 2, dated May 3, 1995; and Revision 3, December 14, 1995 (for certain airplanes, excluding Model BAe 125–800A airplane having constructor's No. 258186). The manufacturer has also issued Hawker Service Bulletin SB.53–85–3566D, dated March 10, 1995, and Revision 1, dated May 23, 1995 (for Model BAe 125–800A airplane having constructor's number 258186). These service bulletins describe procedures for modification of the airframe structure in the lower area of the fuselage aft of the wing rear spar. The modification entails the following actions:

1. Installing new drain holes in the fairing skin assembly of the main landing gear (MLG);
2. Plugging existing vent holes of the keel stringers;
3. Installing a new water barrier diaphragm between the forward diaphragm assembly of the MLG and the aft diaphragm assembly;
4. Installing a blanking plate on the forward diaphragm assembly;
5. Removing existing drain valves from the fuselage keel skin;
6. Blanking off an existing drain valve hole using a new patch plate;
7. Installing two new drain spouts, a drain hose, and an outlet fairing; and
8. Performing a functional test to determine if a bolt fouls the flap control system (Revision 3 of Service Bulletin SB.53–82–3566G only).

Accomplishment of the modification will prevent any leaked fluids from collecting around the aileron pulley, and will allow any water build-up in the fuselage keel area to drain away. The CAA classified these service bulletins as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

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

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same

type design, the proposed AD would require modification of the airframe structure in the lower area of the fuselage aft of the wing rear spar. For certain airplanes, the proposed AD would also require a functional test to determine if a bolt fouls the flap control system. The actions would be required to be accomplished in accordance with the service bulletins described previously. If any fouls are detected, the repair would be required to be accomplished in accordance with a method approved by the FAA.

The FAA estimates that 163 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 25 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $244,500, or $1,500 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Beech Aircraft Corporation. (Formerly DeHavilland; Hawker Siddeley; British Aerospace, plc; Raytheon Corporate Jets, Inc.): Docket 95–NM–122–AD.

Applicability: Model BAe 125–800A (including military variants C–29A and U–125); and Model Hawker 800 airplanes, excluding airplanes having constructor's numbers 258079 and 258213; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent restricted control of the ailerons, which could reduce the pilot's ability to initiate roll control during critical phases of flight, accomplish the following:

(a) For all airplanes, except Model BAe 125–800A airplane having constructor's number 258186: Within 6 months after the effective date of this AD, modify (including functional test) the airframe structure in the lower area of the fuselage aft of the wing rear spar, in accordance with Hawker Service Bulletin SB.53–82–3566G, Revision 3, December 14, 1995.

(b) For airplanes identified in paragraph (a) of this AD on which Hawker Modification 253566G has been installed prior to the effective date of this AD, in accordance with Hawker Service Bulletin SB.53–82–3566G, dated March 1, 1995, Revision 1, dated March 14, 1995, or Revision 2, dated May 3, 1995: Within 30 days after the effective date of this AD, perform a functional test to determine if a bolt fouls the flap control system, in accordance with paragraph 2.A.(18) of the Accomplishment Instructions of Hawker Service Bulletin SB.53–82–3566G, Revision 3, December 14, 1995. If any foul is detected, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate, FAA.

(c) For Model BAe 125–800A airplane having constructor's number 258186: Within 6 months after the effective date of this AD, modify the airframe structure in the lower area of the fuselage aft of the wing rear spar, in accordance with Hawker Service Bulletin SB.53–85–3566D, dated March 10, 1995, or Revision 1, dated May 23, 1995.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on February 5, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–2868 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Office of the Under Secretary for Domestic Finance

17 CFR Parts 400 and 420

RIN 1505–AA53

Government Securities Act Regulations: Large Position Rules

AGENCY: Office of the Under Secretary for Domestic Finance, Treasury.

ACTION: Notice of extension of time for submission of comments.

SUMMARY: This document extends until March 18, 1996, the deadline for the submission of comments on the notice of proposed rulemaking addressing large position recordkeeping and reporting requirements for certain Treasury

securities. The proposed rule was published in the Federal Register on December 18, 1995 (60 FR 65214) and comments were to be received on or before February 16, 1996.

DATES: Comments must be submitted on or before March 18, 1996.

ADDRESSES: Comments should be sent to: Government Securities Regulations Staff, Bureau of the Public Debt, Department of the Treasury, Room 515, 999 E Street NW., Washington, DC 20239–0001. Comments received will be available for public inspection and copying at the Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT:

Ken Papaj (Director) or Don Hammond (Assistant Director) at 202–219–3632.

SUPPLEMENTARY INFORMATION: The Government Securities Act Amendments of 1993 granted Treasury the authority to prescribe large position recordkeeping and reporting rules for certain Treasury securities. A proposed rule was published December 18, 1995, that would require persons holding, maintaining or controlling large positions in to-be-issued or recently-issued Treasury securities to keep records and file reports, in response to a request from Treasury, of such large positions.

The Department has received a request for a 30 day extension of the comment period from a trade association representing approximately 300 government securities brokers and dealers (Public Securities Association, PSA). The PSA has requested the extension to permit the association additional time to resolve technical questions and solicit comments from its Primary Dealers Committee, Government Operations Committee, Funding Division and legal and compliance staffs. Given the limited additional time requested and a desire to provide market participants and other interested parties ample time to develop constructive comments, the Department agrees to extend the comment period until Monday, March 18, 1996.

Dated: February 6, 1996.

Darcy Bradbury,

Assistant Secretary, Financial Markets.

[FR Doc. 96–2863 Filed 2–8–96; 8:45 am]

BILLING CODE 4810–39–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR PART 165

[CGD13–95–055]

Safety Zone Regulations; Fort Vancouver Fourth of July Fireworks Display, Columbia River, Vancouver, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to adopt permanent safety zone regulations for the annual Fort Vancouver fourth of July Fireworks display in Vancouver, Washington. This event is held each year on the fourth of July on the waters of the Columbia River. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during this event. However, because the event occurs annually, the coast Guard is proposing to adopt a permanent description of the event and permanent regulations to better inform the boating public.

DATES: Comments must be received on or before April 9, 1996.

ADDRESSES: Comments should be mailed to U.S. Coast Guard Group Portland, 6767 N. Basin Ave., Portland, OR 97217–3992. Comments may also be hand-delivered to this address. The comments and other materials referenced in this notice will be available for inspection and copying at the above address at the Waterways Management Branch, in the Mt. St. Helens Building. Normal office hours are between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Chuck Roskam, Waterways Management Branch Chief, U.S. Coast Guard MSO/Group Portland, OR (Telephone: (503) 240–9327).

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, and arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD13–95–055), specify the section of this proposal to which each comment applies, and give the reason for each comment. Two copies of each comment should be provided in an unbound format. All comments should be on paper no larger than 8½ by 11 inches and should be suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of their comments should enclose stamped, self-addressed postcards or envelopes.

The proposed regulations may be changed in light of comments received. All comments received during the comment period will be considered before final action is taken on this proposal.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Coast Guard Group Portland at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentation will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information

The principal persons involved in drafting this document are LTJG C.A. Roskam, Project Officer, U.S. Coast Guard MSO/Group Portland, and LCDR J.C. Odell, Project Attorney, Thirteenth Coast Guard District Legal Office.

Background and Purpose

The Coast Guard is proposing to adopt permanent safety zone regulations for the annual Fort Vancouver Fourth of July Fireworks Display in Vancouver, Washington. This event is held on the waters of Columbia River each year on July fourth from 10 p.m. to 10:30 p.m. In the past, the Coast Guard has established a temporary safety zone each year to protect the safety of life on the navigable waters during the event. However, because the event occurs annually, the Coast Guard is proposing to adopt a permanent description of the event and permanent regulations in the Code of Federal Regulations (CFR) to better inform the boating public. The Coast Guard, through this action, intends to promote the safety of spectators and participants in this event. The Fort Vancouver Fourth of July Fireworks Display is being held as part of the celebration for the Fourth of July Independence Day in Vancouver, Washington.

This event is sponsored by the Fort Vancouver Fourth of July Committee. The fireworks display is conducted from a barge located just offshore on the Columbia River. This one day event attracts a large number of spectators gathered on the waters near the fireworks display. Spectators who approach the fireworks barge at close range during the event may be struck by

falling debris from the overhead fireworks display.

Discussion of Proposed Regulation

To promote the safety of both the spectators and the participants of this event, the proposed regulation would establish a permanent safety zone which would become effective each year during the event. Entry into this safety zone and the area surrounding the event would be prohibited. This safety zone would be enforced by representatives of the Captain of the Port, Portland, Oregon. The Captain of the Port may be assisted by other federal agencies.

Regulatory Evaluation

This proposal is not a significant 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 been exempted from review 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 proposal to be so minimal that a full regulatory evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The safety zone established by the proposed regulation would encompass only one mile of the Columbia River adjacent to Vancouver, Washington. Entry into the safety zone would be restricted each year for only three hours on the day of the event. These restrictions would have little effect on maritime commerce in the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If however, you think that your business or organization qualifies as a small entity and that this proposal will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

Collection of Information

This proposal 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 action in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed regulation and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this proposed regulation is categorically excluded from further environmental documentation. Appropriate environmental analysis of the Fort Vancouver Fourth of July Fireworks Display will be conducted in conjunction with the marine event permitting process each year. Any environmental documentation required under the National Environmental Policy Act will be completed prior to the issuance of a marine event permit for this event.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations, as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A new section 165.1308 is added to read as follows:

§ 165.1308 Columbia River, Vancouver, WA

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37′17″, longitude 122°40′22″; thence south along the Interstate 5 highway bridge to latitude 45°37′03″N, longitude 122°40′32″W; thence to latitude 45°36′28″N, longitude 122°38′35″W; thence to Ryan's Point at latitude 45°36′42″N, longitude 122°38′35″W; thence along the Washington shoreline to the point of origin.

[Datum: NAD 83].

(b) *Effective dates:* This section is effective annually on July fourth from 9 p.m. to 11 p.m. unless otherwise specified by Federal Register notice.

(c) *Regulation.* In accordance with the general regulations in § 165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

Dated: January 23, 1996.

C.E. Bills,

Captain, U.S. Coast Guard Captain of the Port.

[FR Doc. 96–1809 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 102–13–7212b; FRL–5398–7]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District, San Diego County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP), which concern the control of oxides of nitrogen (NO_x) emissions from boilers, steam generators, and process heaters.

The intended effect of proposing approval of these rules is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revisions as a direct final rule without prior proposal because the Agency views these as noncontroversial revision amendments and anticipates no adverse comments. A detailed rationale for this 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 these rules. 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 11, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation reports of the rules are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123–1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

Ventura County Air Pollution Control District, Rule Development Section, 669 County Square Drive, Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Duane F. James, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191, email: james.duane@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document concerns the Sacramento Metropolitan Air Quality Management District's Rule 411, ''Boiler NO_x,'' the San Diego County Air Pollution Control District's Rule 69.2, ''Industrial and Commercial Boilers, Process Heaters and Steam Generators,'' the San Joaquin Valley Unified Air Pollution Control District's Rule 4352, ''Solid Fuel Fired Boilers, Steam Generators and Process Heaters,'' and the Ventura County Air Pollution Control District's Rule 74.15, ''Boilers, Steam Generators and Process Heaters.'' These rules were submitted to EPA on September 28, 1994 (Rule 4352), October 19, 1994 (Rule 69.2), January 24, 1995 (Rule 74.15), and June 16, 1995 (Rule 411), by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 21, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–2825 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–W

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40 CFR Part 52

[CA 79–4–7252b; FRL–5398–9]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District, San Diego County Air Pollution Control District; and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from gasoline storage and transfer and bakery ovens.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 11, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, B–23, Goleta, CA 93117.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, CA 92123.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section [A–5–3], Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION: This document concerns Monterey Bay Unified Air Pollution Control District (MBUAPCD) Rule 1002, Transfer of Gasoline into Vehicle Fuel Tanks; San Diego County Air Pollution Control District (SDCAPCD) Rule 67.24, Bakery Ovens; and Santa Barbara County Air Pollution Control District (SBCAPCD) Rule 316, Storage and Transfer of Gasoline, submitted to EPA on December 22, 1994, June 16, 1995, and March 29, 1994, respectively, by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 10, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–2823 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–W

40 CFR Part 52

[CA 71–9–7222b; FRL–5399–2]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from oil water separators, and the use of architectural coatings. In addition, EPA is proposing to remove a rule from the SIP which controls emissions from rubber tire manufacturing. The one facility affected by this rule has shutdown.

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 11, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Christine Vineyard, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1197.

SUPPLEMENTARY INFORMATION: This document concerns Monterey Bay Unified Air Pollution Control District Rule 420, Effluent Oil Water Separators; Rule 426, Architectural Coatings; and Rule 428, Manufacture of Rubber Tires. These rules were submitted to EPA on November 18, 1993 by the California Air Resources Board. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: December 10, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–2821 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN58–1–7216b; FRL–5343–1]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve the State Implementation Plan (SIP) revision request submitted by the State of Indiana on August 25, 1995, for the purpose of lowering the Reid Vapor Pressure (RVP) of summertime gasoline from 9.0 pounds per square inch (psi) to 7.8 psi for the Clark and Floyd County ozone nonattainment area. In the final rules section of this Federal Register, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action 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 that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA 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 the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received on or before March 11, 1996.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

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

Dated: November 21, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–2827 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN62–1–7234b; FRL–5342–8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve an August 25, 1995 State request for a site-specific revision to the Indiana sulfur dioxide State Implementation Plan (SO2 SIP). This revision revises the SO2 emission limitations applicable to the Joseph E. Seagram and Sons, Inc., facility in Lawrenceburg, Indiana. In the final rules section of this Federal Register, the USEPA is approving the State's SIP revision as a direct final rule without

prior proposal because USEPA views this action as noncontroversial 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 that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA 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 the proposed rule. USEPA 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 on this proposed rule must be received on or before March 11, 1996.

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

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Air and Radiation Division, Regulation Development Section, Regulation Development Branch, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mary Onischak, Environmental Engineer, Regulation Development Branch, (AR–18J), United States Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 353–5954.

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

Dated: November 21, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–2833 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[NE–8–1–7206b; FRL–5344–3]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the state of Nebraska modifying certain portions of the Class II operating permit program and other miscellaneous rules. In the final rules section of the Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule.

If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 11, 1996.

ADDRESSES: Comments may be mailed to Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

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

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the Federal Register.

Dated: November 22, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–2831 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[NV23–1–7219b; FRL–5338–7]

Clean Air Act Approval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Nevada State Implementation Plan (SIP) which concern the Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM).

The implementation plan was submitted by the State to satisfy the Federal mandate of the Clean Air Act (CAA) to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without additional proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this 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. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by March 11, 1996.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105

U.S. Environmental Protection Agency, Air Docket 6102, 401 ''M'' Street SW. Washington, D.C. 20460

Nevada Division of Environmental Protection, Bureau of Air Quality, 123 West Nye Lane, Room 123, Carson City, NV 89710.

FOR FURTHER INFORMATION CONTACT: R. Michael Stenburg, A-1, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1182.

SUPPLEMENTARY INFORMATION: This document concerns the Nevada Small Business Stationary Source Technical and Environmental Compliance Assistance Program, submitted to EPA on June 28, 1994 and July 5, 1995 by the Nevada Bureau of Air Quality. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: November 20, 1995.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–2829 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–7; RM–8732]

Radio Broadcasting Services; Banks and Redmond, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Common Ground Broadcasting, Inc., seeking the substitution of Channel 298C1 for Channel 298C2 at Banks, Oregon, and the modification of its license for Station KDBX to specify the higher class channel. To accommodate the allotment at Banks, we also propose the substitution of Channel 269C2 for Channel 298C2 at Redmond, Oregon, and the modification of Station KLRR's license to specify the alternate Class C2 channel. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 298C1 at Banks or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties. Channel 298C1 can be allotted to Banks in compliance with the Commission's minimum distance separation requirements at Station KDBX's licensed site, at coordinates 45–31–22 NL; 122-45-07 WL. Channel 269C2 can be allotted to Redmond in compliance with the Commission's minimum distance separation requirements at Station KLRR's licensed site, at coordinates 44–04–41 NL; 121–19–57 WL. Canadian concurrence in the Banks allotment is required since the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before March 29, 1996, and reply comments on or before April 15, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Riley, Esq., Anne Goodwin Crump, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 N. 17th Street, Eleventh Floor, Rosslyn, Virginia 22209 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–7, adopted January 16, 1996, and released February 6, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–2842 Filed 2–8–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[I.D. 013096A]

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene five public hearings on Draft Amendment 13 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP) and a draft environmental assessment (EA) for Amendment 13.

DATES: Written comments will be accepted until March 8, 1996. The public hearings will be held from February 27 to February 29, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments should be sent to and copies of the draft amendment are available from Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Council, 5401 West Kennedy Boulevard, Tampa, FL 33609.

The hearings will be held in FL, LA, and TX. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and special accommodations.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Population Dynamics Statistician, (813) 228–2815.

SUPPLEMENTARY INFORMATION: The Council will be holding public hearings on Draft Amendment 13 to the FMP and a draft EA for Amendment 13. Amendment 13 contains management measures for the commercial red snapper fishery. The draft amendment would extend the red snapper endorsement system (last implemented through emergency regulations, 61 FR 19, January 2, 1996) and its associated commercial trip and possession limits through December 31, 1997, or until the provisions of Amendment 8 (final regulations issued November 29, 1995, 60 FR 61206), become operational or are replaced by alternative measures to limit access to the commercial red snapper fishery.

The hearings are scheduled from 7:00 p.m. to 10:00 p.m., as follows:

1. Tuesday, February 27, 1996, Larose—Larose Regional Park, 2001 East 5th Street, Larose, LA 70373

2. Wednesday, February 28, 1996, Panama City—National Marine Fisheries Service, Panama City Laboratory, 3500 Delwood Beach Road, Panama City, FL 32408

3. Wednesday, February 28, 1996, Port Aransas—Port Aransas Public Library, 700 West Avenue A, Port Aransas, TX 78373

4. Thursday, February 29, 1996, Pensacola Beach—Clarion Suites Resort and Convention Center, 20 Via DeLuna, Pensacola Beach, FL 32561

5. Thursday, February 29, 1996, Galveston—Flagship Hotel Over the Water, 25th and Seawall Boulevard, Galveston, TX 77550

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council office by February 20, 1996 (see **ADDRESSES**).

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

Dated: February 5, 1996.

Richard H. Schaefer,

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

[FR Doc. 96–2907 Filed 2–8–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 61, No. 28

Friday, February 9, 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

Foreign Agriculture Service

Uruguay Round Agricultural Safeguard Trigger Levels

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of updated quantity trigger levels for safeguard measures provided for in the Uruguay Round Agreement on Agriculture.

SUMMARY: This notice lists the updated quantity trigger levels for products which may be subject to additional import duties under the safeguard provisions of the Uruguay Round Agreement on Agriculture.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Robert J. Spitzer, Multilateral Trade Policy Affairs Division, Foreign Agricultural Service, room 5540–South Building, U.S. Department of Agriculture, Washington, DC 20250–1000 or telephone at (202) 720–6064.

SUPPLEMENTARY INFORMATION: Article 5 of the Uruguay Round Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tariffication during the Uruguay Round if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent three years for which data is available by 25 percent. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity based, may be applied at any given time to an article.

Section of 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the Federal Register the agricultural products subject to safeguards, the price and quantity trigger levels which will be applied to these products, and the relevant period for the quantity based safeguard for each product. The President delegated this authority to the Secretary of Agriculture in Presidential Proclamation No. 6763, dated December 23, 1994. On Wednesday, January 4, 1995, the Secretary of Agriculture provided the above information, including the definition of each product, in the Notice of Safeguard Action published in 60 FR 427.

In the notice entitled Revision of Delegations of Authority which was published in 60 FR 56392 on Wednesday, November 8, 1995, the Secretary of Agriculture delegated to the Administrator, Foreign Agricultural Service, the authority to determine quantity trigger levels for these safeguards. The quantity triggers must be updated annually based on import levels during the most recent three years. The Annex to this notice contains the updated quantity trigger levels. Additional information on the levels of the additional duties and how they will be applied is provided in subchapter IV of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS).

Notice

As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, the safeguard quantity trigger levels notified by the Secretary of Agriculture previously on January 4, 1995, are superceded by the levels indicated in the annex to this notice. These quantity trigger levels are effective for the quota period provided for in the HTS for each of the respective tariff rate quotas which begins on the appropriate date during calendar year 1996.

Issued at Washington, DC this 2nd day of February, 1996.

Tim Galvin,

Acting Administrator, Foreign Agricultural Service.

Annex

The definitions of these products were provided in the Notice of Safeguard Action published in 60 FR 427 on Wednesday, January 4, 1995:

Quantity Based Safeguard Trigger

Beef	905,615 tons.
Mutton	8,408 tons.
Cream	4,448,444 liters.
Evaporated or Condensed Milk.	1,406,068 kilograms.
Nonfat Dry Milk	983,986 kilograms.
Dried Whole Milk	3,948 kilograms.
Dried Cream	0 kilograms.
Dried Whey/Buttermilk.	277,271 kilograms.
Butter	342,269 kilograms.
Butter Oil and Butter Substitutes.	684,554 kilograms.
Dairy Mixtures	644,673 kilograms.
Blue Cheese	2,841,771 kilograms.
Cheddar Cheese	6,804,020 kilograms.
American Type Cheese.	4,177,868 kilograms.
Edam/Gouda Cheese	6,365,228 kilograms.
Italian-Type Cheese	9,867,535 kilograms.
Swiss Cheese with Eye Formation.	34,617,641 kilograms.
Gruyere Process Cheese.	7,761,503 kilograms.
Lowfat Cheese	5,767,508 kilograms.
NSPF Cheese	49,105,293 kilograms.
Peanuts	969 tons.
Peanut Butter/Paste	20,760 tons.
Raw Cane Sugar	1,503,970 tons
Refined Sugar and Syrups.	43,407 tons
Blended Syrups	0 tons.
Articles Over 65% Sugar.	0 tons.
Articles Over 10% Sugar.	82,515 tons.
Sweetened Cocoa Powder.	2,423 tons.
Chocolate Crumb	9,394,526 kilograms.
Lowfat Chocolate Crumb.	495,718 kilograms.
Infant Formula Containing Oligosaccharides.	0 kilograms.
Mixes and Doughs	695 tons.
Mixed Condiments and Seasonings.	187 tons.
Ice Cream	96,560 liters.
Animal Feed Containing Milk.	5,587,043 kilograms.
Short Staple Cotton	631,280 kilograms.
Harsh or Rough Cotton.	0 tons.

Quantity Based Safeguard Trigger—Continued

Medium Staple Cotton.	20,012 kilograms.
Extra Long Staple Cotton.	226,845 kilograms.
Cotton Waste	156,524 kilograms.
Cotton Processed, Not Spun.	71 kilograms.

[FR Doc. 96–2748 Filed 2–8–96; 8:45 am]

BILLING CODE 3410–10–P

Forest Service

Extension of Currently Approved Information Collection for Special Use Administration

AGENCY: Forest Service, USDA.

ACTION: Notice of intent; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service announces its intent to request an extension of a currently approved information collection for the administration of special uses on National Forest System lands.

DATES: Comments must be received in writing on or before April 9, 1996.

ADDRESSES: All comments should be addressed to: Director, Lands Staff (2720), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Mark Scheibel, Lands Staff, at (202) 205–1264.

SUPPLEMENTARY INFORMATION:

Description of Information Collection

The following describes the information collection to be extended:

Title: Special use Administration.

OMB Number: 0596–0082.

Expiration Date of Approval: June 30, 1996.

Type of Request: Extension of a previously approved information collection.

Abstract: The data collected will be evaluated by the Forest Service to ensure that the authorization of the use of Federal land is in the public interest and is compatible with the mission of the agency. The data will help identify environmental and social impacts that may require mitigation and will ascertain whether a fair market rental fee for the use of National Forest System lands is being received. The data will be collected through application forms and stipulations in operating plans and use authorizations. There are four general categories of information requests: (1) Initial and amended application process; (2) annual financial information; (3) preparing and updating operation and maintenance plans; and (4) compliance reports and information updates.

Application Process

Estimate of Burden: The information requirements for initial applications, or for changes to, for special use authorizations are established in 36 CFR 251.54 and 251.61, respectively. Public reporting burden for collection of information during the application process to use National Forest System lands varies according to the intended use and application form. Four forms have been established to collect the information. The estimated average for each specific application form is as follows:

1. Form SF–299—Application for Transportation and Utility Systems and Facilities on Federal Lands: 4.0 hours.
2. Form FS–2700–3—Special Use Application and Report: 8.0 hours.
3. Form FS–2700–3a—Request for Termination of and Application for Special use Permit: 0.5 hour.
4. Form FS–2700–3b—Special Use Application for Noncommercial Group Use: 1.0 hour.

Type of Respondents: Individuals, businesses, corporation, and Sate and local governments requesting use of National Forest System lands.

Estimated Number of Respondents:
Form SF–299: 100 respondents
Form FS–2700–3: 1,400 respondents
Form FS–2700–3a: 1,000 respondents
Form FS–2700–3b: 2,400 respondents

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents:
Form SF–299: 400 hours
Form FS–2700–3: 11,200 hours
Form FS–2700–3a: 500 hours
Form FS–2700–3b: 2,400 hours

Annual Financial Information

Estimate of Burden: Title V of the Federal Land Policy and Management Act of 1976, the Independent Offices Appropriation Act of 1952, and the Office of Management and Budget Circular A–25 require the Forest Service to collect rental fees that reflect fair market value for the use of National Forest System lands. Special use authorizations may contain specific terms and conditions requiring the holder to provide the authorized officer with the information necessary to calculate fair market value rental fees. Procedures for how the information is provided and when it is required are contained in the authorization terms and conditions. Information requests for financial information are provided to the authorized officer in a variety of ways. Several examples include gross revenues, value of capitol improvements, number of trips and/or customers served, or a listing of occupants in a communications site building. Public reporting burden for collection of information to determine bills for collection for fair market rental fees for the use of National Forest System lands is estimated at 1 hour per response.

Type of Respondents: Individuals, businesses, and corporations required to provide information to determine fair market rental fees for the use of National Forest System lands.

Estimated Number of Respondents: 2,500.

Estimated Number of Responses per Respondent: 1.2.

Estimated Total Annual Burden on Respondents: 3,000 hours.

Preparing and Updating Operation and Maintenance Plans

Estimate of Burden: Special use authorizations may contain a clause requiring the holder to prepare or update an operation and maintenance plan, when the authorized officer determines that the day-to-day operations of the use authorized needs to be enumerated. This information is useful to the holder and the Forest Service, because it outlines procedures and policies used while the holder conducts operations or business on National Forest System lands. Typically, operation and maintenance plans contain daily operating guidelines, fire abatement and control procedures, monitoring guidelines, maintenance standards, safety and emergency plans, inspection standards and frequencies, and so forth. Operation and maintenance plans are not required for all special use authorizations, but are usually necessary for complex operations, commercial uses, and situations involving sensitive environmental areas. Public reporting burden for collection of information to prepare or update operation and maintenance plans is estimated at 1 hour per response.

Type of Respondents: Individuals, businesses, corporations, and State and local governments required to prepare or update operation and maintenance plans for activities on National Forest System lands.

Estimated Number of Respondents: 35,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 35,000 hours.

Compliance Reports and Information Updates

Estimate of Burden: Special use authorizations may contain specific terms and conditions requiring the holder to provide the authorized officer with compliance reports, information reports, and other information required by Federal law and/or required to properly manage National Forest System lands to ensure adequate protection of forest resources and public health and safety. Examples of compliance and information requests include dam maintenance inspection reports and logs required by the Reclamation Safety of Dams Act of 1979, and the Dam Safety Act of 1983; documentation that authorized facilities passed safety inspections; documents showing that the United States is covered in an insurance policy; notifications involving changes in corporation or partnership status; documentation of compliance with nondiscrimination in Federally assisted programs as required by Title VI and VII of the Civil Rights Act of 1964; and so forth. Public reporting burden for collection of information for compliance reports and information updates for operations on National Forest System lands is estimated at 1 hour per response.

Type of Respondents: Individuals, businesses, corporations, State and local governments.

Estimated Number of Respondents: 13,500.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondent: 13,500 hours.

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 will have practical utility; (b) the accuracy of this 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.

Use of Comments

All comments received in response to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 2, 1996.

Mark A. Reimers,

Acting Chief.

[FR Doc. 96–2878 Filed 2–8–96; 8:45 am]

BILLING CODE 3410–11–M

Western Washington Cascades Province Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Western Washington Cascades PIEC Advisory Committee will meet on February 27, 1996 at the Mount Baker-Snoqualmie National Forest Headquarters, 21905 64th Avenue West, in Mountlake Terrace, Washington. The meeting will begin at 9:00 a.m. and continue until about 3:00 p.m. Agenda items to be covered include: (1) Discussion with USDA Forest Service staff about wildlife concerns, values and habitat needs in the Snoqualmie Pass Adaptive Management Area; (2) discussion of how local economic and social concerns are being incorporated into the AMA plan; (3) discussion of the possibilities, pros, and cons of changing the original designations, under the Northwest Forest Plan, of the Skagit and Green River basins from ''non-key'' to ''key'' watersheds; (4) update on issues related to Section 2001 of Public Law 104–19 (1995 Rescissions Bill); (5) report by the River Basin Study Group; (6) staff update on flood damage from late 1995 storms, and emergency repair funding efforts; (7) other topics as appropriate; and, (8) open public forum. All Western Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Chris Hansen-Murray, Province Liaison, USDA, Mt. Baker-Snoqualmie National Forest, 21905 64th Avenue West, Mountlake Terrace, Washington 98043, 206–744–3276.

Dated: February 2, 1996.

Dennis E. Bschor,

Forest Supervisor.

[FR Doc. 96–2864 Filed 2–8–96; 8:45 am]

BILLING CODE 3410–11–M

Food Safety and Inspection Service

[Docket No. 95–050N]

Nominating Pesticides and Pesticide Treated Food Commodities as Candidates for Codex Alimentarius Maximum Residue Limits

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service is setting forth in this notice the procedure to be followed by an interested person who may wish to request the United States government to propose pesticides and their treated food commodities as candidates for Codex maximum residue limits (MRLs) for pesticides in food. Obtaining such international pesticide tolerances can be beneficial to U.S. food exporters because a number of countries that do not recognize U.S. pesticide tolerances may accept the use of Codex pesticide MRLs for their food imports. Thus, having Codex MRLs for pesticides resulting from agricultural uses of pesticides approved in the United States can facilitate trade with these foreign countries.

FOR FURTHER INFORMATION CONTACT: U.S. Delegate to the Codex Committee on Pesticide Residues, Dr. Richard Schmitt, Deputy Director, Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street, SW., (7508W), Washington, DC 20460; (703) 308–8000.

SUPPLEMENTARY INFORMATION: The Codex Alimentarius Commission (the Commission) is an intergovernmental body comprised of the national governments of over 150 countries. It operates under the auspices of the Food and Agriculture Organization (FAO) of the United Nations and the World Health Organization (WHO) to implement the Joint FAO/WHO Food Standards Programme. The purpose of this program is to protect consumer health and ensure fair practices in international food trade through the use of Codex recommended food standards and codes of practice. The Commission's basic work is conducted by various committees, one of which is the Codex Committee on Pesticide Residues (CCPR), which has the responsibility for the elaboration of all food standards pertaining to pesticide residues in food. Such food standards are specifically referred to as Codex MRLs (i.e., maximum residue limits for pesticides in foods).

The development of Codex MRLs for pesticides follows a detailed, eight step

procedure. The first step involves the selection of pesticides for placement on the CCPR's priority list. The criteria for inclusion of a pesticide on the priority list are: (1) The pesticide must be registered for use in at least one country; (2) the pesticide must not have been already accepted for CCPR consideration; (3) the pesticide must give rise to residues in or on a food commodity (including animal feed) moving in international trade; and (4) the presence of residues of the pesticide in a food commodity is or may become a matter of public health concern and thus create, or have the potential to create, problems in international trade. An *ad hoc* Working Group on Priorities is formed by the CCPR each year to provide the initial screening of all pesticides proposed for inclusion on the priority list. The Working Group on Priorities considers the proposals that were submitted and prepares recommendations to the CCPR at its annual sessions. The priority list of new pesticides adopted by the CCPR is then referred to the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) for evaluation.

The JMPR, which is comprised of scientific experts from governments and academia appointed by FAO and WHO, is convened annually for the purpose of evaluating, among other things, the pesticides on the CCPR's priority list. In conducting these evaluations, the JMPR reviews all available toxicological data to estimate the acceptable daily intake (ADI) for the pesticide and all available residue, metabolism, and processing data to propose MRLs for residues on food commodities from the use of the pesticide in accordance with nationally approved uses, referred to as good agricultural practice (GAP). The remaining steps of the process allow national governments several opportunities to review and comment on proposed MRLs prior to final acceptance by the Commission.

Codex MRLs for additional food commodities can be sought even after Codex MRLs for a pesticide have completed the eight step process. In such cases, it is not necessary to renominate the chemical to the *ad hoc* Working Group on Priorities, but rather it is only necessary to request the FAO Joint Secretariat of the JMPR to place the pesticide—food commodity combination on the agenda for evaluation by an upcoming JMPR. Expanding MRLs for a pesticide to additional food commodities, does not require reevaluation of the pesticide's toxicological properties.

A key element in having a pesticide placed on the CCPR's priority list is the availability of a complete data package that contains data on the pesticide from all relevant acute and chronic toxicity studies, the chemistry of the pesticide, residue information (including detailed data from supervised field trials), information concerning metabolism of the pesticide, and processing data and information on national GAP in the use of the pesticide.

Only national governments may nominate a pesticide chemical as a candidate for the CCPR's priority list. Because manufacturers of pesticides usually conduct or sponsor studies to generate the toxicity and residue data for their pesticides, and in fact, actually own these data, nominations submitted by governments often are initiated by pesticide manufacturers. There are, however, no restrictions that prevent food or feed producers and processors, or their trade associations, or any other interested person from requesting their respective national governments to seek Codex MRLs for pesticides used on commodities that may be shipped in international trade. In such cases, the commitment of pesticide manufacturers to submit supporting data must be obtained before nomination for an MRL is made. The advantage of having Codex MRLs for food commodities that may be marketed in international trade is the possible removal of non-tariff trade barriers in importing countries that utilize Codex MRLs rather than tolerances of the exporting country for determining compliance with their national residue requirements.

The United States is vitally interested in assuring access to world markets for U.S. produced food commodities, and in particular, not being denied entry to these markets because of the presence of pesticide residues that are legal and safe by U.S. standards, but not by the standards of importing countries. While having Codex MRLs established for U.S. pesticide uses for food production does not guarantee access to markets of other countries, a number of countries apply Codex MRLs to imported foods in situations where they have not established national tolerances for a particular pesticide residue/food combination. The U.S. government considers it important that interested persons be aware of the opportunity to obtain Codex MRLs for existing pesticide uses in the United States on foods that may be sold to foreign countries. The opportunity for nominating to the CCPR pesticides registered for food uses in the United States generally is known to pesticide manufacturers, but may be largely unknown to other segments of the private sector or to the general public. Accordingly, it is the intent of this notice to inform all interested persons of the opportunity for nominating pesticides/food commodities for Codex MRL development.

U.S. government agencies directly involved in the work of the CCPR are the U.S. Environmental Protection Agency, Food and Drug Administration, and U.S. Department of Agriculture. Official representatives from these agencies comprise the U.S. Delegation to the CCPR. The function of the delegation is to develop U.S. positions on Codex MRLs and related matters and to represent the U.S. at the CCPR's annual sessions. Among other things, this function includes submitting on behalf of the U.S. proposed pesticide nominations for the CCPR priority list which have been requested by interested persons.

The procedure for interested persons seeking such nominations by the U.S.–CCPR Delegation is based on the one formulated by the CCPR's *ad hoc* Working Group on Priorities. The format and commitment to be made are as follows:

U.S. Procedure for Proposing Pesticides for the Codex Priority List and Extension of Codex MRLs to Additional Food Commodities

1. Criteria for Nominating a Pesticide and Its Treated Food Commodities for Codex MRL Development

Before a pesticide and food commodities that contain residues of the pesticide may be considered by the U.S.–CCPR Delegation for nomination for Codex MRL development:

a. The pesticide must be registered for agricultural use in the United States and have registrations and tolerances for its residues for the specific food commodities for which Codex MRLs are being sought.

b. The food commodities that may contain residues of the pesticide in question must represent a component of U.S. export trade or have the potential of representing a component of U.S. export trade.

c. The expected residues of the pesticide in the food commodities in question must be or have the potential to become a matter of public health concern and either create or have the potential to create problems in international trade.

d. There must be a confirmed commitment for submission of complete and current data for review by the JMPR within the FAO and WHO time-frames as specified below.

2. Procedure To Be Followed for Pesticides for Which There Are Currently No Proposed or Adopted Codex MRLs

a. For pesticides and food commodities that fall into this category and meet the criteria in part 1, it is necessary to complete the form in the appendix to this notice. Persons that do not own the data for the pesticide in question, must consult with the owner about the existence of sufficient toxological and residue data; confirm the owner's commitment to submit these data to the JMPR and in what year; and seek assistance in completing the form.

b. Either the owner of the data or other interested persons may submit the completed form and confirmed commitment to submit necessary data to the U.S.—CCPR Delegation for consideration as a candidate for the CCPR's priority list. If the U.S. Delegation agrees, the form, along with an official transmittal letter and data commitment (also in writing), will be forwarded to the Working Group on Priorities.

c. The completed nomination may be submitted to the U.S. Delegation at any time; however, in order for the delegation to review the submission and forward it to the Working Group on Priorities in time for the upcoming session of the CCPR, the U.S. Delegate must receive the completed form and data commitment by the end of a calendar year. (The WHO component of the JMPR schedules new pesticides for toxological evaluations two years in advance and the FAO component, one year in advance.)

3. Procedure To Be Followed for Pesticides for Which Codex MRLs Are Proposed or Adopted

a. The criteria listed in part 1 must be met for each food commodity for which a Codex MRL is being sought.

b. For an interested person who did not develop the required data for the pesticide food commodity in question, it is necessary to consult with the person who developed the required data to ascertain the existence of sufficient residue data and obtain the commitment that such data will be available for submission to JMPR at an appropriate time.

c. Either person identified in paragraph 3b may submit a written proposal to the U.S.—CCPR Delegation requesting that a Codex MRL be developed for each additional pesticide—food combination. The delegation will consider each request, and if the criteria are met, will submit it directly to the FAO Joint Secretary of the JMPR. The timing of the submission of the data for evaluation will be determined by the FAO Joint Secretary.

Done at Washington, DC on: February 2, 1996.

Michael R. Taylor,

Administrator.

Appendix

Pesticide Information for CCPR Working Group on Priorities

for evaluation _____
for reevaluation _____

1. Name:
2. Structural Formula:
3. Chemical Name:
4. Names and Addresses of Basic Producers:
5. Justification for Use:
6. Uses: Major, Minor.
7. Commodities Moving in International Trade and Expected Levels of Residues:
8. Countries Where Pesticide is Registered:
9. National Maximum Residue Limits:
10. Commodities for Which the Need for Establishing Codex MRL's is Recognized:
11. Major International Use Pattern:
12. List [1] of Data (Toxicology, Metabolism, Residue) Available:
13. Date Data Could be Submitted by (Country):

[FR Doc. 96–2750 Filed 2–8–96; 8:45 am]
BILLING CODE 3410–DM–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review

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

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

BACKGROUND: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 353.22 or 355.22 of the Department of Commerce (the Department) Regulations (19 CFR 353.22/355.22 (1993)), that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

OPPORTUNITY TO REQUEST A REVIEW: Not later than February 29, 1996, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

	Period
Antidumping duty proceedings:	
Austria: Railway Track Maintenance Equipment, (A–433–063)	02/01/95-01/31/96
Brazil: Stainless Steel Bar, (A–351–825)	08/04/94-01/31/96
Canada: Racing Plates, (A–122–050)	02/01/95-01/31/96
Germany: Sodium Thiosulfate, (A–428–807)	02/01/95-01/31/96
India: Forged Stainless Steel Flanges, (A–533–809)	02/01/95-01/31/96
India: Stainless Steel Bar, (A–533–810)	08/04/94-01/31/96
Japan: Benzyl Paraben, (A–588–816)	02/01/95-01/31/96
Japan: Carbon Steel Butt-Weld Pipe Fittings, (A–588–602)	02/01/95-01/31/96
Japan: Melamine, (A–588–056)	02/01/95-01/31/96
Japan: Mechanical Transfer Presses, (A–588–810)	02/01/95-01/31/96
Japan: Stainless Steel Bar, (A–588–833)	08/04/94-01/31/96
Korea: Certain Small Business Telephone Systems and Subassemblies Thereof, (A–580–803)	02/01/95-01/31/96
Korea: Stainless Steel Butt-Weld Pipe Fittings, (A–580–813)	02/01/95-01/31/96

[1] Bibliographical list to include title, author, date, report number or reference, data developer/owner, etc.

	Period
Taiwan: Forged Stainless Steel Flanges, (A–583–821)	02/01/95-01/31/96
The People's Republic of China: Axes/Adzes, (A–570–803)	02/01/95-01/31/96
The People's Republic of China: Bars/Wedges, (A–5570–803)	02/01/95-01/31/96
The People's Republic of China: Hammers/Sledges, (A–570–803)	02/01/95-01/31/96
The People's Republic of China: Picks/Mattocks, (A–570–803)	02/01/95-01/31/96
The People's Republic of China: Coumarin, (A–570–830)	05/06/94-01/31/96
The People's Republic of China: Natural Bristle Paint Brushes, (A–570–501)	02/01/95-01/31/96
The People's Republic of China: Sodium Thiosulfate, (A–570–805)	02/01/95-01/31/96
United Kingdom: Sodium Thiosulfate, (A–412–805)	02/01/95-01/31/96
Suspension Agreements:	
Venezuela: Gray Portland Cement and Clinker, (A–307–803)	02/01/95-01/31/96
Countervailing Duty Proceedings:	
None.	

In accordance with sections 353.22(a) and 355.22(a) of the regulations, an interested party as defined by section 353.2(k) may request in writing that the Secretary conduct an administrative review. The Department has changed its requirements for requesting reviews for countervailing duty orders. Pursuant to 19 CFR 355.22(a) of the Department's Interim Regulations (60 FR 25137 (May 11, 1995)), an interested party must specify the individual producers or exporters covered by the order for which they are requesting a review. Therefore, for both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, D.C. 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: Pamela Woods, in room 3065 of the main Commerce Building. Further, in accordance with section 353.31(g) or 355.31(g) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the Federal Register a notice of ''Initiation of Antidumping (Countervailing) Duty Administrative Review,'' for requests received by February 29, 1996. If the Department does not receive, by February 29, 1996, a request for review of entries coverd by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: February 5, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–2909 Filed 2–8–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–201–504]

Porcelain-on-Steel Cooking Ware From Mexico; Preliminary Results of Antidumping Duty New Shipper Administrative Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty New Shipper Administrative Review.

SUMMARY: In response to a request from one manufacturer/exporter, Esmaltaciones San Ignacio, S.A. (San Ignacio), the Department of Commerce (the Department) is conducting a new shipper administrative review of the antidumping duty order on porcelain-on-steel cooking ware (POS cooking ware) from Mexico. The review covers the period January 1, 1995 through June 30, 1995.

We have preliminarily determined that sales have not been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to liquidate subject entries without regard to antidumping duties.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Laura Merchant, or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act), by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On June 20, 1995, the Department received a request from San Ignacio for a new shipper review pursuant to section 751(a)(2)(B) of the Act and section 353.22(h) of the Department's interim regulations.

Section 751(a)(2) of the Tariff Act and section 353.22(h) of the Department's regulations govern determinations of

antidumping duties for new shippers. These provisions state that, if the Department receives a request for review from an exporter or producer of the subject merchandise stating that it did not export the merchandise to the United States during the period of investigation (POI) and that such exporter or producer is not affiliated with any exporter or producer who exported the subject merchandise during that period, the Department shall conduct a new shipper review to establish an individual weighted-average dumping margin for such exporter or producer, if the Department has not previously established such a margin for the exporter or producer. To establish these facts, the exporter or producer must include with its request, with appropriate certification: (i) the date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States; (ii) a list of the firms with which it is affiliated; and (iii) a statement from such exporter or producer, and from each affiliated firm that it did not, under its current or a former name, export the merchandise during the POI.

San Ignacio's request was accompanied by information and certifications establishing the date on which it first shipped and entered subject merchandise, the names of San Ignacio's affiliated parties, and statements from San Ignacio and its affiliated parties that they did not, under any name, export the merchandise during the POI. Based on the above information, on July 20, 1995, the Department initiated this new shipper review of San Ignacio (60 FR 37426). The Department is now conducting this review in accordance with section 751 of the Tariff Act and section 353.22 of its regulations.

Scope of the Review

Imports covered by the review are shipments of POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses.

This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7323.94.00. Kitchenware currently entering under HTS item number 7323.94.00.30 is not subject to the order. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Verification

As provided in section 776(b) of the Tariff Act, we verified information provided by the respondent by using standard verification procedures, including on site inspection of the manufacturer's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlines in the public versions of the verification report.

Export Price

We calculated the EP based on the price from San Ignacio to unaffiliated parties where these sales were made prior to importation into the United States, in accordance with section 772(a) of the Act.

We calculated the constructed EP based on packed ex-factory prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for foreign brokerage, foreign customs handling fees, and credit costs in accordance with section 772(c)(2) of the Act.

No other adjustments were claimed or allowed.

Normal Value

Based on a comparison of the aggregate quantity of home market and U.S. sales, and absent any information that a particular market situation in the exporting country does not permit a proper comparison, we determined that the quantity of foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a)(1)(C) of the Act. Therefore, in accordance with section 773(a)(1)(B) of the Act, we based NV on sales in Mexico, the home market.

We calculated NV based on FOB-factory or delivered prices to unaffiliated customers, and made decisions from the starting price for freight, discounts, and rebates. We deducted home market packing costs from the home market price and added U.S. packing costs. When shipments were made to Mexican customers outside the Tijuana customs border zone we made adjustments for Mexican customs handling fees. We made a circumstance-of-sale adjustment, where appropriate, for differences in credit expenses and commissions.

No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margin exists for the period January 1, 1995, through June 30, 1995:

Manufacturer/producer/exporter	Margin percent
San Ignacio	0.00

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 34 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 20 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed no later than 27 days after the date of publication of this notice. The Department will issue the final results of this new shipper administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Upon completion of this new shipper review, the Department will issue appraisement instructions directly to the U.S. Customs Service. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

The cash deposit rate for San Ignacio will be the rate determined in the final results of this new shipper review, effective upon publication of those final results for all of San Ignacio's shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper administrative review, as provided by section 751(a)(1) of the Act.

This notice serves as a preliminary reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper administrative review and notice are in accordance with section 751(a)(2) of the Tariff Act (19 U.S.C. 1657(a)(2)) and 19 CFR 353.22.

Dated: January 26, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–2910 Filed 2–8–96; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–839]

Initiation of Antidumping Duty Investigation: Sodium Azide From Japan

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

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: John Beck at (202) 482–3464 or Jennifer Stagner at (202) 482–1673, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

INITIATION OF INVESTIGATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

The Petition

On January 16, 1996, the Department of Commerce (the Department) received a petition filed in proper form by the American Azide Corporation (the petitioner), the sole U.S. producer of sodium azide. A supplement to the petition was filed on January 29, 1996.

In accordance with section 732(b) of the Act, the petitioner alleges that imports of sodium azide from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

The petitioner states that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if (1) the domestic producers or workers who support the petition account for at least 25 percent of the total production of the domestic like product; and (2) the domestic producers or workers who support the petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of the data provided in the petition and other information readily available to the Department indicates that the petitioner is the sole producer of sodium azide in the United States. The Department received no expressions of opposition to the petition from any interested party. Accordingly, the Department determines that this petition is supported by the domestic industry.

Scope of the Investigation

The product covered by this investigation is sodium azide (NaN_3) regardless of use, and whether or not combined with silicon oxide (SiO_2) or any other inert flow assisting agent. The merchandise under investigation is currently classifiable under item 2850.00.50.00 of the *Harmonized Tariff Schedule of the United States (HTSUS).* Although the *HTSUS* subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Export Price and Normal Value

The petitioner based export price on delivered prices in the United States quoted by a Japanese producer. These prices were adjusted by the petitioner for U.S. and foreign inland freight, ocean freight, U.S. duties, and the U.S. trading company mark-up.

The petitioner based normal value on delivered prices in Japan quoted by a Japanese producer. The unit price quotes denominated in Japanese yen were converted by the petitioner to U.S. dollars using the exchange rate in effect at the beginning of the third quarter of 1995. An adjustment was made for foreign inland freight.

Based on comparisons of export price to normal value, the estimated dumping margins for sodium azide from Japan range from 58.50 to 65.80 percent.

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of sodium azide from Japan are being, or likely to be, sold at less than fair value. If it becomes necessary at a later date to consider this petition as a source of facts available under section 776 of the Act, we may review further the calculations.

Initiation of Investigation

We have examined the petition on sodium azide and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating an antidumping duty investigation to determine whether imports of sodium azide from Japan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determination by June 24, 1996.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Japan. We will attempt to provide copies of the public versions of the petition to all the exporters named in the petition.

International Trade Commission (ITC) Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by March 1, 1996, whether there is a reasonable indication that imports of sodium azide from Japan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, this investigation will proceed according to statutory and regulatory time limits.

Dated: February 5, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–2911 Filed 2–8–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–549–804]

Carbon Steel Butt-Weld Pipe Fittings From Thailand; Final Results of Countervailing Duty Administrative Review

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

ACTION: Notice of Final Results of Countervailing Duty Administrative Review.

SUMMARY: On November 22, 1995, the Department of Commerce (the Department) published in the Federal Register its preliminary results of administrative review of the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. The review covers the period January 1, 1992 through December 31, 1992. We have completed this review and determine the net subsidy to be *de minimis*. The Department will instruct the U.S. Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992.

EFFECTIVE DATE: February 9, 1996.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 22, 1995, the Department published in the Federal Register (60 FR 57849) the preliminary results of its administrative review of the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). We invited interested parties to comment on the preliminary results. We received no comments. The review covers the period January 1, 1992 through December 31, 1992. The review involves two companies, Awaji Sangyo (Thailand) Co. (AST), and TTU Industrial Corp. (TTU), which account for virtually all exports of the subject merchandise from Thailand, and fifteen programs.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Act. Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

The merchandise subject to this review (hereinafter subject merchandise) is certain carbon steel butt-weld pipe fittings, having an inside diameter of less than 360 millimeters (fourteen inches), imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings), as currently classifiable under the *Harmonized Tariff Schedule* (HTS). The products covered in this review are provided for under item number 7307.93.30 of the HTS. The HTS subheadings are provided for convenience and Customs purposes; our written description of the scope of this proceeding is dispositive.

Calculation Methodology for Assessment and Cash Deposit Purposes

We calculated the net subsidy on a country-wide basis by first calculating the subsidy rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total Thai exports to the United States of subject merchandise, including all companies, even those with *de minimis* and zero rates. We then summed the individual companies' weight-averaged rates to determine the subsidy rate from all programs benefitting exports of subject merchandise to the United States.

Since the country-wide rate calculated using this methodology was *de minimis*, as defined by 19 CFR § 355.7(1994), no further calculations were necessary.

Analysis of Programs

Based upon our analysis of the questionnaire response and verification we determine the following:

I. Programs Conferring Subsidies

Tax Exemptions Under Section 31 of the 1977 Investment Promotions Act (IPA)

In the preliminary results, we found that this program conferred countervailable benefits on the subject merchandise. Since we received no comments on our preliminary results, our findings remain unchanged in these final results.

II. Programs Not Conferring Subsidies

Duty Drawback

In the preliminary results, we found that this program did not confer countervailable benefits on the subject merchandise. Since we received no comments on our preliminary results, our findings remain unchanged in these final results.

III. Programs Found Not to be Used

In the preliminary results, we found that neither AST nor TTU applied for or received benefits under the following programs during the period of review (POR):

A. Tax Certificates for Exporters
B. Export Packing Credits
C. Tax and Duty Exemptions Under Section 28 of the (IPA)
D. Electricity Discounts for Exporters
E. Rediscount of Industrial Bills
F. International Trade Promotion Fund
G. Export Processing Zones
H. Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
I. Additional Incentives under the IPA
   1. Goodwill and Royalties Tax Exemption
   2. Tax Deduction of Foreign Marketing Expenses and Foreign Taxes
   3. Exemption of Sales Taxes for Promoted Industries
   4. Exemption on Export Duties and Business Taxes on Products Produced or Assembled by Promoted Firms
   5. Deduction from Assessable Income of an Amount Equal to 5% of the Increase over the Previous Year of Income Derived from Exports

Since we received no comments on our preliminary results, our findings remain unchanged in these final results.

Final Results of Review

For the period January 1, 1992 through December 31, 1992, we determine the net subsidy to be 0.22 percent *ad valorem* for all companies. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

The Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Thailand exported on or after January 1, 1992, and on or before December 31, 1992.

This countervailing duty order was determined to be subject to section 753 of the Act (as amended by the Uruguay Round Agreements Act of 1994). *Countervailing Duty Order; Opportunity to Request a Section 753 Injury Investigation,* 60 FR 27,963 (May 26, 1995). Because no domestic interested parties exercised their right under section 753(a) of the Act to request an injury investigation, the International

Trade Commission made a negative injury determination with respect to this order, pursuant to section 753(b)(4) of the Act. As a result, the Department revoked this countervailing duty order, effective January 1, 1995, pursuant to section 753(b)(3)(B) of the Act. *Revocation of Countervailing Duty Orders,* 60 FR 40,568 (August 9, 1995). Accordingly, this notice assesses duties for the period of review and does not issue further cash deposit instructions.

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 355.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: January 31, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration

[FR Doc. 96–2912 Filed 2–8–96; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 11, 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 October 6 and December 15, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 52388 and 64421) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Stamp, Custom, Pre-inked

7520–01–381–8057
7520–01–381–8075
7520–01–381–8012
7520–01–381–8054
7520–01–381–8037
7520–01–381–8074
7520–01–381–8063
7520–01–352–7312
7520–01–368–7774
7520–01–381–7995
7520–01–381–7993
7520–01–381–8017
7520–01–357–6847
7520–01–357–6846
7510–01–381–8032
7510–01–368–3504
7510–01–381–8062
7510–01–381–8041
7510–01–381–8070
7510–01–381–8072
7520–01–419–6746
7520–01–419–6743
7520–01–419–6740
7520–01–419–6744

(Requirements for the GSA Customer Service Centers)

Sponge, Olive Drab

7920–01–383–7936

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 96–2883 Filed 2–8–96; 8:45 am]

BILLING CODE 6820–33–P

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 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: March 11, 1996.

ADDRESS: 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 proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Bag, Paper, Grocer's
8105–00–281–1158
8105–00–281–1163
8105–00–281–1425
8105–00–271–1485
8105–00–286–7308
8105–00–281–1156
8105–00–281–1429
8105–00–579–9161
8105–00–022–1319
8105–00–543–7169
8105–00–262–7363
8105–00–130–4586
NPA: The Oklahoma League for the Blind, Oklahoma City, Oklahoma

Badge, Identification
8455–01–396–2284
NPA: East Texas Lighthouse for the Blind, Tyler, Texas

Napkin, Paper, Various
8540–00–276–7569
8540–00–276–7570
8540–00–279–7777
8540–00–149–1601
8540–01–350–6418
NPA: Signature Works, Inc., Hazlehurst, Mississippi

Pad, Microwave
M.R. 562
NPA: Beacon Lighthouse, Inc., Wichita Falls, Texas

Services

Administrative Services,
Directorate of Public Works,
Fort Sam Houston, Texas,
NPA: Goodwill Industries of San Antonio, San Antonio, Texas

Grounds Maintenance,
U.S. Army Reserve Center,
Montgomery County Airport,
100 South Parkway,
Conroe, Texas,
NPA: Tri-County Mental Health/Mental Retardation Services, Conroe, Texas

Janitorial/Custodial,
Wilkes-Barre USARC,
Wilkes-Barre, Pennsylvania,
NPA: United Rehabilitation Services, Inc.,
Wilkes-Barre, Pennsylvania

Janitorial/Custodial,
Naval and Marine Corps Reserve Center,
Spokane, Washington,
NPA: Career Connections, Spokane, Washington

Laundry Service,
Fort Sam Houston/Fort Hood, Texas,
NPA: Goodwill Industries of San Antonio, San Antonio, Texas

Mailroom Operation,
Department of the Army, Corps of Engineers,
South Atlantic Division Office,
77 Forsyth Street, SW,
Atlanta, Georgia,
NPA: Nobis Enterprises, Inc., Marietta, Georgia

Preparation of Oil Sample Kits,
Naval Air Station,
Pensacola, Florida,
NPA: Lakeview Center, Inc., Pensacola, Florida

Recycling Service,
Basewide ,
Laughlin Air Force Base, Texas,
NPA: Goodwill Industries of San Antonio, San Antonio, Texas

Switchboard Operation,
Department of Veterans Affairs Medical Center,
Denver, Colorado,
NPA: Bayaud Industries, Inc., Denver, Colorado

E. R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 96–2882 Filed 2–8–96; 8:45 am]

BILLING CODE 6820–33–P

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 commodities 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: March 11, 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 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 commodities and service to the Government.

2. The action will result in authorizing small entities to furnish the commodities 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 commodities 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 commodities and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Box, Shipping
8115–00–516–0242
8115–00–519–1825
8115–00–550–3558
8115–00–550–3574
NPA: Tarrant County Association for the Blind, Fort Worth, Texas

Service

Mailroom Operation for the following locations:

GSA Central Office Building,
18th & F Streets, NW,Washington, DC
GSA Regional Office Building,
7th & D Streets, SW.,
Washington, DC
General Services Administration,
Crystal Mall #3,
1931 Jefferson Davis Highway,
Arlington, Virginia,
NPA: Didlake, Inc.,Manassas, Virginia

E. R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 96–2881 Filed 2–8–96; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of a nationwide CHAMPUS demonstration project.

SUMMARY: On December 8, 1995, President Clinton signed Executive Order 12982 which called 3,800 members of the Select Reserve to active duty in support of Operation Joint Endeavor. The immediate nature of this call to active duty, and the potential for a service period of up to 270 days, may result in lack of access or disruption in continuity of required health care services for the affected family members. An extended absence from existing employment may result in the loss of employer-sponsored health insurance, and the immediacy of the call-up leaves little flexibility for alternate arrangements. Additionally, although family members of reservists called to active duty for 31 or more days will become eligible for CHAMPUS, they will face full payment of an annual deductible before CHAMPUS will begin cost sharing medical expenses. In the case of E–4's and below, this amount is $50 per individual, $100 for family; for E–5's and above the amount is $150 per individual and $300 for family. Payment of this out-of-pocket cost may have an adverse impact on some economically vulnerable personnel, especially if they have already paid an annual deductible for their employer sponsored insurance. In previous surveys of reservists activated for Desert Storm, 55% of enlisted members and 45% of officers called to active duty reported a loss in income.

As a matter of general DoD personnel policy, reservists called to active duty for periods of 31 days or more should be treated comparably to regular active duty members. Consistent with this policy, the family members of these reservists called to active duty in support of Operation Joint Endeavor became eligible for CHAMPUS. However, the normal CHAMPUS deductible requirement presents an inequity for these families. Because health program deductibles are premised on coverage for an entire year, a beneficiary who receives coverage for a much shorter period receives unfavorable treatment. It is quite likely that such beneficiaries will be required to meet a second annual deductible under another health plan that will provide coverage during those months of the year in which the reservist returns to his or her civilian job. This demonstration project is designed to test an approach for addressing this special inequity.

The Department's effective response to potential disruption or loss of access to medical care for family members requires careful review of operational and administrative mechanisms which can ease this hardship in the transition from reserve to active duty status. This demonstration is proposed for the purpose of testing whether elimination of the annual deductible normally collected under standard CHAMPUS will avoid unusual out-of-pocket costs, disruption of continuity in care, impaired access and problems with beneficiary satisfaction for activated reservists. The demonstration would waive the CHAMPUS deductible for all reservists called to active duty for Operation Joint Endeavor for periods of 31 days or more and allow CHAMPUS to immediately begin cost-sharing in accordance with standard CHAMPUS rules. The limited nature of this Presidential Selected Reserve call-up for Operation Joint Endeavor reduces the number of activated reservists and family members which will be available in any given geographic area. Therefore, to achieve a level of participation sufficient to test new strategies, this demonstration will occur nationwide. Demonstration participants will include family members of all Selected Reserve members called to active duty for a period of 31 days or more as a result of Executive Order 12982 of December 8, 1995. Under Title 10, U.S. Code, Section 1092, the Department is authorized to test different methods of financing delivery of health care services under CHAMPUS.

DATES: Effective December 8, 1995, family members of selected reserve members called to active duty for 31 days or more as a result of Executive Order 12982, December 8, 1995, and who, as a result of that Executive Order become eligible for services under CHAMPUS, may obtain those services without paying deductibles normally required under standard CHAMPUS. CHAMPUS eligible beneficiaries other than family members of reservists called to active duty for Operation Joint Endeavor are not eligible for participation. In view of the immediacy of the deployment, we are waiving the normal thirty-day advance notice for beginning a CHAMPUS demonstration project.

FOR FURTHER INFORMATION CONTACT: CAPT Deborah Kamin, Office of the Assistant Secretary of Defense (Health Affairs), (703)–697–8975.

SUPPLEMENTARY INFORMATION: The Office of the Assistant Secretary of Defense (Health Affairs) will act as executive agent for purposes of this demonstration and will assume overall responsibility for demonstration policy, implementation, and monitoring.

DURATION: This demonstration will operate for one year unless extended by separate action. Continuation of the program will depend on a program evaluation conducted following termination of the project. It is our hypothesis that elimination of normally imposed CHAMPUS deductibles for this special group of beneficiaries will ease potential financial hardship caused by unexpected increases in out-of-pocket health care costs, avoid disruption of continuity and access to care, and minimize beneficiary dissatisfaction in transition from reserve to active status. This support is an important element in the welfare of servicemembers and their families who are called to a significant and immediate change in life circumstances. Information and experience gained as part of this demonstration will provide the foundation for longer term solutions in the event of future reserve activation.

EXCLUSIONS TO THE DEMONSTRATION PROJECT: Participation in this demonstration is limited to active duty family members who become eligible for CHAMPUS as a result of selected reserve activation in support of Operation Joint Endeavor. This demonstration is limited to the annual CHAMPUS deductible; other CHAMPUS cost sharing continues to apply. All current CHAMPUS rules, unless this notice specifically provides otherwise, will continue to apply. The changes under this demonstration will have an effective date of December 8, 1995.

Dated: February 1, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–2755 Filed 2–8–96; 8:45 am]

BILLING CODE 5000–04–M

Strategic Environmental Research and Development Program (SERDP) Fiscal Year 1996 Annual Report and Five-Year (1996–2000) Strategic Investment Plan; Notice

In accordance with Title 10, U.S.C. Section 2902, the Strategic Environmental Research and Development Program Fiscal Year 1996

Annual Report and Five-Year (1996–2000) Strategic Investment Plan is available for review by the public for a period of 30 days from the date of this notice.

Reviews shall be by appointment only, by contacting Ms. Jenny Dowden at (703) 506–1400, extension 563 and conducted at the SERDP Support Office in the space of LABAT–ANDERSON Incorporated, 8000 Westpark Drive, McLean, Virginia 22102. Additional copies of the Fiscal Year 1996 Annual Report and Five-Year (1996–2000) Strategic Investment Plan are not available.

Dated: February 2, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–2753 Filed 2–8–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Logistics Agency

Privacy Act of 1974; Notice to Amend a Record System

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice to amend a record system.

SUMMARY: The Defense Logistics Agency proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendment will be effective on March 11, 1996, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Defense Logistics Agency, DASC-RP, Alexandria, VA 22304–6100.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Christensen at (703) 617–7583.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report. The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety.

Dated: January 31, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS) *(August 8, 1995, 60 FR 40356).*

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete first paragraph and replace with 'Current and former Defense military and civilian personnel and their spouses; U.S Coast Guard personnel and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses who have applied to take part in this job placement program'.

* * * * *

PURPOSE(S):

Delete entry and replace with 'The purpose of this system is to facilitate the transition of current and former Defense military and their spouses; U.S. Coast Guard personnel and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses to private industry and public employment in the event of a downsizing of the Department of Defense and the Federal Government.'

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'The Military Services, DOD Components, the U.S. Coast Guard, participating Federal departments and/or agencies, and from the subject individual via application into the program.'

* * * * *

S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS).

SYSTEM LOCATION:

W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Defense military and civilian personnel and their spouses; U.S Coast Guard personnel and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses who have applied to take part in this job placement program.

Individuals covered under Pub. L. 102–484 and 103–337, who have applied for public employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized records consisting of name, Social Security Number, correspondence address, branch of service, date of birth, separation status, travel availability, U.S. citizenship, occupational interests, geographic location work preferences, pay grade, rank, last unit of assignment, educational levels, dates of military or civilian service, language skills, flying status, security clearances, civilian and military occupation codes, and self reported personal comments for the purpose of providing prospective employers with a centralized system for locating potential employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136, 1143, 1144, 2358; 31 U.S.C. 1535; Pub.L. 101–510, 102–484 and 103–337; and E.O. 9397.

PURPOSE(S):

The purpose of this system is to facilitate the transition of current and former Defense military and their spouses; U.S. Coast Guard personnel and their spouses; and participating Federal department's and/or agencies' civilian employees and their spouses to private industry and public employment in the event of a downsizing of the Department of Defense and the Federal Government.

For former military members covered under Pub. L. 102–484 and Pub. L. 103–337, the information will be used to track the participants public employment and to verify the participant's public employment history for DOD and DoT retirement and pay eligibility.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of DLA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage.

RETRIEVABILITY:

Retrieved by Social Security Number or occupational or geographic preference of the individual.

SAFEGUARDS:

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, administrative procedures (e.g., fire protection regulations).

Access to personal information is restricted to those who require the records in the performance of their official duties, and to the individuals who are the subject of the record or their authorized representative. Access to personal information is further restricted by the use of passwords which are changed periodically.

RETENTION AND DISPOSAL:

Records are maintained on-line for five years and then are archived as an historical data base.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to the Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington, VA 22209–2593.

Written requests for information should contain the full name, Social Security Number, date of birth, and current address and telephone number of the individual.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license, or military or other identification card.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records and for contesting contents and appealing initial agency determinations are published in DLA Regulation 5400.21; 32 CFR part 323; or may be obtained from the Privacy Act Officer.

RECORD SOURCE CATEGORIES:

The Military Services, DOD Components, the U.S. Coast Guard, participating Federal departments and/or agencies, and from the subject individual via application into the program.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 96–2754 Filed 2–8–96; 8:45 am]

BILLING CODE 5000–04–F

Department of the Air Force

Notice of Intent to Prepare a Legislative Environmental Impact Statement for Barry M. Goldwater Range (BMGR) Renewal, AZ

The United States Air Force (Air Force) will prepare a legislative environmental impact statement (LEIS) to assess the potential environmental impacts of renewal of the Barry M. Goldwater Air Force Range (BMGR), Arizona. The LEIS will be prepared in accordance with the National Environmental Policy Act (NEPA).

The current land withdrawal and reservation of the BMGR was established by the Military Lands Withdrawal Act of 1986 (Public Law 99–606) for the period ending on November 6, 2001. The Act provides that the Air Force may seek renewal of the BMGR withdrawal, in connection with which the Secretary of the Air Force will publish a legislative EIS addressing legislative alternatives and the effects of continued withdrawal.

The purpose of the proposed BMGR renewal is to retain a military aircrew training range essential to near- and long-term preparedness of United States tactical air forces. Renewing the land withdrawal will provide for the continued effective implementation of ongoing air services training missions while maintaining the flexibility to adapt to the training needs of new technologies as they develop. The performance of air operations in combat is directly related to the quality and depth of training. BMGR provides a unique combination of attributes that serve this training requirement, including the following: favorable location and flying weather; sufficient land and airspace; diverse terrain; and developed training support facilities.

A range of alternatives, including the No Action alternative required by NEPA, will be considered. Three alternatives are described below.

- Proposed Action: Renew Barry M. Goldwater Air Force Range withdrawal and reservation for an indefinite period of time with Congressional review every 15 years. The existing land withdrawal and reservation, consisting of 2,664,423 acres, would be reauthorized for an indefinite period of time. The land would be reserved by Congress for use by the Air Force for an armament and high-hazard test area; training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and other defense-related purposes. Every 15 years Congress would review the Air Force's continuing military need for the land, the environmental effects, and the needs of competing uses for the land and could adjust, if warranted, the terms and conditions of the withdrawal. Without limiting the priority use by the Air Force, the land would be managed in part by the Bureau of Land Management and in part by the U.S. Fish and Wildlife Service. Specifically, the Bureau of Land Management would manage 1,842,423 acres of the BMGR pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law. (The limited acreage of State Trust Land within this portion of the BMGR would continue under Air Force use.) The remaining 822,000 acres of the BMGR are within the Cabeza Prieta National Wildlife Refuge and would be managed by the Fish and Wildlife Service pursuant to the National Wildlife Refuge System Act of 1976.
- Alternative A: Renew the existing BMGR land withdrawal and reservation for 25 years. The existing land withdrawal and reservation, consisting of 2,664,423 acres, would be reauthorized for a specified term of 25 years, rather than for an indefinite time with periodic reviews. Otherwise, this alternative is like the Proposed Action.
- No Action Alternative: No renewal of the BMGR land withdrawal and reservation. The land would not be reserved for use by the Air Force. The lands within the existing BMGR boundary would be managed by the Bureau of Land Management, the State of Arizona, and the Fish and Wildlife Service under existing authorities. The No Action alternative would result in the fragmentation or cancellation of training missions accomplished at the BMGR. DOD would prepare appropriate environmental documentation to obtain Federal Aviation Administration approval to reclassify the existing restricted airspace to a Military Operation Area (MOA). This would allow for air-to-air training operations to continue, but would preclude air-to-ground training missions.

To provide a forum for interested parties to provide comments on the

scope of the LEIS, a series of scoping meetings will be held in eight southern Arizona communities. In addition, written comments will be accepted throughout the scoping period, which ends April 1, 1996. Scoping meetings will be held at the following times and locations.

Public Meeting Locations and Times

Phoenix—February 20, 1996, 7 p.m.–10 p.m., Glendale Community College, Student Union, Student Lounge, 6000 W. Olive Ave.

Sells—February 24, 1996, 10 a.m.–1 p.m., Tribal Council Chambers

Tucson—February 26, 1996, 7 p.m.–10 p.m., U of A Medical College, Duval Auditorium, 1501 N. Campbell Ave.

Ajo—February 27, 1996, 7 p.m.–10 p.m., Ajo Community Center, Bud Walker Park, 290 E. 5th St.

Santa Rosa—February 28, 1996, 10 a.m.–1 p.m., Santa Rosa Boarding School

Yuma—March 4, 1996, 7 p.m.–10 p.m., Yuma Civic Center, 1440 Desert Hills Drive

Gila Bend—March 5, 1996, 7 p.m.–10 p.m., Gila Bend Union High School, Logan Auditorium, 308 N. Martin

Casa Grande—March 6, 1996, 7 p.m.–10 p.m., Ironwood Elementary School, Gymnasium, 1500 N. Colorado

Please direct written comments concerning the BMGR Renewal LEIS to: Barry M. Goldwater Air Force Range Renewal LEIS, P.O. Box 1558, Tempe, Arizona 85280–1558.

If you have any questions or require additional information, please contact Lt. Marshall Wolfe at (602) 856–6011.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–2913 Filed 2–8–96; 8:45 am]

BILLING CODE 3910–01–P

Privacy Act of 1974; Notice to Add a System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Air Force proposes to add a system of records to its inventory of systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective without further notice on March 11, 1996, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Assistant Air Force Access Programs Officer, SAF/AAIA, 1610 Air Force Pentagon, Washington, DC 20330–1610.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Gibson at (703) 697–3493.

SUPPLEMENTARY INFORMATION: The complete inventory of Department of Air Force record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 29, 1996, to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated July 25, 1994 (59 FR 37906, July 25, 1994).

Dated: February 2, 1996.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F036 AFMC D

SYSTEM NAME:

Education/Training Management System (ETMS).

SYSTEM LOCATION:

Defense Megacenter Dayton, 2721 Sacramento Street, Building 271, Wright-Patterson Air Force Base, OH 45433–5061. Education and Training Flights at Air Force Material Command (AFMC) subordinate units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

AFMC active duty personnel, AFMC civilian employees, and Air Force active duty personnel and civilian employees serviced by AFMC personnel flights.

CATEGORIES OF RECORDS IN THE SYSTEM:

The principal digital record maintained in ETMS is the Individual Training Plan, which contains the following categories of information:

Education and training data, describing the level and type of education and training, civilian or military (academic education level, major academic specialty, professional specialty courses completed, professional military education received).

Active duty personnel and civilian employee information including personnel data, position information; historical files covering job experience, Acquisition Professional Development Program (APDP) certification, certification requirements, individual qualifications, and corps status relation to the APDP; education and training data for statistical analysis and employee assistance; extract files from which to produce statistical reports in hard copy, or for immediate access display on remote computer terminals, and miscellaneous files.

Miscellaneous work files and records, files with a less than 45 day retention period, intermediate records, and processes relating to statistical compilations, computer operation, quality control and problem diagnosis. Although they may contain individual-identifying data, they do so only as a function of system operation, and are not used in making personnel decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force: Powers and duties; delegation by; AFMC Policy Directive 36–2, Education and Training, and E.O. 9397.

PURPOSE(S):

The AFMC's education and training management is decentralized and encompasses a population that is diverse in terms of qualifications, experience, military status and needs. AFMC centers perform operational tasks pertaining to the population for which they serve. The structure of the AFMC, and its goals and objectives demand a dynamic data system that is capable of supporting the needs of functional management and the education and training communities at the major command and each center. It is to this purpose that the data in the ETMS is collected, maintained, and used.

USES WITH THE AIR FORCE MATERIEL COMMAND EDUCATION AND TRAINING COMMUNITY

HQ AFMC, Wright-Patterson Air Force Base, OH: Data from the ETMS is used by Command Training and Resources Managers to develop long-term plans and programs and track progress toward established goals. Individual data is used to support actions taken on certain categories of persons managed by offices in the headquarters.

Education and Training Flights: Provide personnel management support to center commanders, functional managers, and supervisors on a daily basis. Acting on policy and guidance provided by higher headquarters, they develop and execute center education

and training management plans. Execution includes the development or acquisition, delivery, and the evaluation of centers' education and training programs.

USES WITHIN THE AIR FORCE MATERIEL COMMAND - EXTERNAL TO THE EDUCATION AND TRAINING COMMUNITY

AFMC Functional Communities: Functional managers, supervisors, and unit training monitors within AFMC use ETMS to identify individual training requirements and schedule training for their active duty personnel and civilian employees. Center acquisition professional development managers use ETMS to compare acquisition certification requirements with work force qualifications, manager training requirements, and courses completed related to acquisition certification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer disks and on magnetic tapes.

RETRIEVABILITY:

Retrieved by name or Social Security Number.

SAFEGUARDS:

Records are accessed by functional users of the record system and by person(s) responsible for servicing the record system in performance of their official duties where authorized, properly screened, and cleared for need-to-know. ETMS and system generated magnetic data tapes are stored within a controlled area. Computer records are controlled by computer system software using C2 compliant security safeguards. Records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Data stored digitally within the system is retained only for the period required to satisfy recurring processing requirements and/or historical requirements. Backup data files will be retained for a period not to exceed 45 days. Backup files are maintained only for system restoration and are not to be used to retrieve individual records. No permanent files are maintained. Computer records are destroyed by erasing, deleting or overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Education and Training, Directorate of Personnel, Headquarters Air Force Materiel Command, 4225 Logistics Avenue, Suite 17, Wright-Patterson Air Force Base, OH 45433–5756.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on them should address inquiries to their supporting Education and Training Flight. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address requests to their supporting Education and Training Flight. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Identification will be required before release and will be based on presentation of DD Form 2, U.S. Armed Forces Identification Card or equivalent component issued civilian identification card (e.g. AF Form 345, Department of the Air Force Civilian Identification). Authorizations for a person other than the subject to have access to an individual's records must be based on a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, signed by the subject.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Education and training, personal, and manpower information is obtained from approved automated system interfaces. Information will also be obtained from supervisors, unit training monitors, education and training personnel, and subject of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 96–2757 Filed 2–8–96; 8:45 am]

BILLING CODE 5000–04–F

Department of the Army

ARMS Initiative Implementation

AGENCY: Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of the next meeting of the Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF). The PPTF is chartered to develop new and innovative methods to maintain the government-owned, contractor-operated ammunition industrial base and retain critical skills for a national emergency. This meeting will update attendees on the status of ongoing actions with decisions being made to close out or continue these actions. Goals will be set for the future of the PPTF. This meeting is open to the public.

Dates of Meeting: February 26–27, 1996.

Place of Meeting: Radisson Inn Maingate, 7501 W. Irlo Bronson Memorial Highway (US 192W), Kissimmee (Orlando), Florida 34747.

Time of Meeting: 8:00 a.m.–5:00 p.m., February 26, 1996 and 8:00 a.m.–12:00 p.m., February 27, 1996.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Auger, ARMS Task Force, HQ Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, Virginia 22333; phone (703) 617–9838.

SUPPLEMENTARY INFORMATION:

Reservations must be made directly with the Radisson Inn Maingate; telephone (407) 396–1400. Please be sure to mention that you will be attending the ARMS PPTF meeting to assure occupancy in the block of rooms set aside for this meeting. No transportation is provided by the hotel. Commercial round trip transportation can be arranged at the airport. Request you contact Debra Yeager in the ARMS Team Office at Rock Island Arsenal; telephone (309) 782–4040, if you will be attending the meeting, so that our roster of attendees is accurate. This number may also be used if other assistance regarding the ARMS meeting is required.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–2804 Filed 2–8–96; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 9, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 5, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Vocational and Adult Education

Type of Review: Reinstatement
Title: Application for Vocational and Adult Education Direct Grants
Frequency: Annually
Affected Public: Business or other for-profit; Not-for-profit institutions; State local or Tribal Gov't. SEAs or LEAs
Reporting & Recordkeeping Burden:
Responses: 1
Burden Hours: 52,210
Abstract: This form will be used by applicants to apply for funding under the Carl D. Perkins Vocational and Applied Technology Education Act, Adult Education Act, and National Literacy Act programs administered by the Office of Vocational and Adult Education. The Department uses the information to make grants and cooperative agreements

Office of Postsecondary Education

Type of Review: Reinstatement
Title: Campus Based Reallocation Form
Frequency: Annually
Affected Public: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government, SEAs or LEAs
Annual Reporting and Recordkeeping Hour Burden:
Responses: 3,000
Burden Hours: 847
Abstract: This form will allow institutions of postsecondary education to report anticipated 1995–96 unspent funds for the campus-based programs so these unspent funds can be distributed as supplemental 1995–96 awards and to report the 1995–96 FWS Community Service Act

Office of the Under Secretary

Type of Review: New
Title: Evaluation of Upward Bound
Frequency: One Time
Affected Public: Individuals or households; Not-for-profit
Reporting and Recordkeeping Hour Burden:
Responses: 4523
Burden Hours: 1535
Abstract: The evaluation of Upward Bound will include student follow-up data collected through a computer assisted telephone interview and the collection of student transcript data

[FR Doc. 96–2902 Filed 2–8–96; 8:45 am]
BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 11, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process

would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: February 5, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of the Under Secretary

Type of Review: New
Title: Evaluation of School-to-Work Implementation
Frequency: Biennially
Affected Public: Individual or households; State, Local or Tribal Governments, SEAs or LEAs
Reporting and Recordkeeping Burden:
Responses: 2,770
Burden Hours: 2,770
Abstract: The School-to-Work opportunities (STW) Act of 1994 directs the Secretaries of Education and Labor to evaluate progress made by States and local communities in establishing systems to promote effective school-to-work transitions. Information will be collected through surveys of local STW partnerships, case studies and surveys of high school seniors. Data collected will be used in reports to Congress and to others interested in school-to-work programs

[FR Doc. 96–2901 Filed 2–8–96; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 1, 1996.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Partick J. Sherrill, Department of Education, 7th & D Streets, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

DATES: A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 9, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Partrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or shoud be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506 (c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, (5) how might the Department minimize the burden of this collection of the respondents, including through the use of information technology, and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on ''Additional Information'' in this notice.

Dated: February 5, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Educational Research and Improvement

Type of Review: New
Title: FRSS-Public School and Public Teacher Survey on Educational Reform
Frequency: One-Time
Affected Public: Not-for-profit institutions
Reporting and Recordkeeping Hour Burden:
Responses: 2,250
Burden Hours: 1,179
Abstract: These two linked surveys of schools and teachers are intended to measure awareness and practices of schools and teachers, their perceived need for information and assistance, the availability and use of professional development opportunities, and the role of Title 1 programs resources in supporting education reforms. The information will also support the Department of Education's ability to collect and disseminate information as part of the National Education Information Dissemination Systems, in accordance with Section 941.A and 941.B of the Improving America's Schools Act PL 103.382

Office of Educational Research and Improvement

Type of Review: New
Title: FRSS-Public School Survey on Parental Involvement
Frequency: One-Time
Affected Public: Not-for-profit institutions
Reporting and Recordkeeping Hour Burden:
Responses: 900
Burden Hours: 405
Abstract: This study measures school promotion of partnerships with parents and families to support the academic work of children at home and shared educational decision making at school. Six different areas are covered from the school's perspective: helping parents establish supportive home environments for their children's academic work; effective home school communications; parental involvement in school decision making; recognition of needs for flexible schedules to accommodate working parents

[FR Doc. 96–2900 Filed 2–8–96; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3707(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 16, 1996.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

DATES: A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 9, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506(c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology, and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on ''Additional Information'' in this notice.

Dated: February 5, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Management

Type of Review: Reinstatement
Title: Customer Service Standards Surveys and Focus Groups
Frequency: One Time
Affected Public: Individuals or households; Businesses or other for-profit; Not-for-profit institutions; State, Local or Tribal Government; SEAs or LEAs, Federal Agencies or employees; Non-profit institutions; Small businesses or organizations
Annual Reporting and Recordkeeping Hour Burden:
Responses: 200,500
Burden Hours: 101,500
Abstract: As part of the Customer Service Standards Surveys and Focus Groups Information Collection, the Title I National Parent Coalition Survey is designed to determine how the Department can improve customer service. The survey feedback will enable the Department to provide timely, useful information to Title I parents and other Title I related customers

[FR Doc. 96–2899 Filed 2–8–96; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by February 9, 1996.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of

Information and Regulatory Affairs, Attention: Dan Chenok, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

DATES: A regular clearance process is also beginning. Interested persons are invited to submit comments on or before April 9, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506 (c)(2)(A)) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology, and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on **ADDITIONAL INFORMATION** in this notice.

Dated: February 5, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Revision

Title: Application for Approval to Participate in Federal Financial Aid Programs

Frequency: On Occasion

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions

Annual Reporting and Recordkeeping Hour Burden:

Responses: 2,219

Burden Hours: 36,073

Abstract: The Higher Education Act of 1965, as amended, requires postsecondary institutions to complete and submit this application as a condition of eligibility for any of the Title IV student financial assistance programs and for the other postsecondary programs authorized by the HEA. An institution must submit the form (1) initially when it first seeks to become eligible for the Title IV programs, (2) every four years after the initial certification (''recertification''), (3) when it changes ownership, merges, or changes from a ''profit'' to a ''non-profit'' institution, and (4) to be reinstated to participate in the Title IV programs

[FR Doc. 96–2898 Filed 2–8–96; 8:45 am]

BILLING CODE 4000–01–M

Historically Black Colleges and Universities Capital Financing Advisory Committee; Meeting

AGENCY: Historically Black Colleges and Universities Capital Financing Advisory Committee; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Black Colleges and Universities Capital Financing Advisory Committee. This notice also describes the functions of the Committee. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: February 26, 1996, 9:30 a.m.–12:00 a.m.

ADDRESSES: GSA Training Center, Suite 3208—Rooms A and B, Promenade, 490 L'Enfant Plaza East, Washington, DC 20407.

FOR FURTHER INFORMATION CONTACT:

Lawrence P. Grayson, Executive Director, Historically Black Colleges and Universities Capital Financing Advisory Committee, U.S. Department of Education, Washington, DC 20202–5139, telephone (202) 260–3259.

SUPPLEMENTARY INFORMATION: The Historically Black Colleges and Universities Capital Financing Advisory Committee is established under section 727 of the Higher Education Act of 1965, as amended in 1992 (20 U.S.C. 1132c–6). The Council is established to provide advice and counsel to the Secretary of Education and the designated bonding authority for the Historically Black Colleges and Universities Capital Financing Program as to the most effective and efficient means of implementing construction financing on historically black college and university campuses and to advise Congress regarding the progress made in implementing the program.

The meeting of the Committee is open to the public. The agenda includes a briefing by members of the designated bonding authority on progress to date in establishing the program and a review of Board positions in light of recent operating experience.

Records are kept of all Committee proceedings, and are available for public inspection at the office of the Historically Black Colleges and Universities Capital Financing Advisory Committee, U.S. Department of Education, Washington, DC 20202–5139, from the hours of 9 a.m. to 4 p.m.

Dated: February 6, 1996.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 96–2853 Filed 2–8–96; 8:45 am]

BILLING CODE 4401–01–M

National Library of Education Advisory Task Force; Meeting

AGENCY: National Library of Education Advisory Task Force.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for the inaugural meeting of the National Library of Education Advisory Task Force (Task Force). This notice also describes the functions of the Task Force. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIME: March 5, 1996, 9:00 a.m. to 5:00 p.m.; March 6, 1996, 9:00 a.m. to 5:00 p.m.; March 7, 1996, 9:00 a.m. to 3:30 p.m.

ADDRESSES: March 5, 1996, 9:00 a.m. to 12:00 noon, The Secretary's Conference Room, U.S. Department of Education, Federal Office Building 10, 600 Independence Avenue, SW., Washington, DC 20202; March 5, 1996, 1:00 p.m. to 5:00 p.m., Room 326, Capitol Place, 555 New Jersey Avenue, NW., Washington, DC 20208; March 6, 1996, Room 326, Capitol Place, 555 New Jersey Avenue, NW., Washington, DC 20208; March 7, 1996, ACCESS ERIC, Aspen Systems Corporation, 1600 Research Boulevard, Rockville, Maryland 20850.

FOR FURTHER INFORMATION CONTACT: E. Stephen Hunt, National Library of Education, 555 New Jersey Ave., NW., Washington, DC 20208–5523. Telephone: (202) 219–1882; FAX: (202) 219–1970.

SUPPLEMENTARY INFORMATION: The National Library of Education Advisory Task Force is authorized by Part E, Section 951 (h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Task Force prepares a set of recommendations on the establishment and development of the National Library of Education for presentation to the Assistant Secretary for the Office of Educational Research and Improvement.

The meeting of the Task Force is open to the public. The agenda for March 5 includes the swearing in of the Task Force. There will be briefings on the Federal Advisory Committee Act, standards of ethical conduct, greetings from the Department, the Office of Educational Research and Improvement, and the National Library of Education; and a period for the Task Force members to introduce themselves, ask questions, and contribute their perspectives concerning their collective task and the role of a national education library from the customer standpoint. The agenda for March 6 continues intensive discussions of the Task Force members' perspectives on the development of a National Library of Education. On March 7 the agenda will include a site visit to the ACCESS ERIC offices in Rockville, Maryland and a discussion led by Task Force members focused on the electronic aspects of the library, including but not limited to such items as the Educational Resources Information Center, the Internet, and the one-stop toll free reference and information service.

A final agenda will be available from the offices of the National Library of Education on February 19, 1996.

Records are kept of all Task Force proceedings, and are available for public inspection at the central office of the National Library of Education, 555 New Jersey Ave., NW., Washington, DC 20208–5523 between the hours of 8:30–4:30 p.m.

Dated: February 5, 1996.

Sharon P. Robinson,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 96–2759 Filed 2–8–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Research Financial Assistance Program Notice 96–05; Research for Improving Vehicular Transportation and Reducing Energy Consumption and Pollution From Manufacturing Processes

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The U. S. Department of Energy (DOE), hereby announces interest in receiving grant applications for performance of basic and applied research to support two important, long-term national objectives: (1) Improving vehicular transportation, and (2) reducing energy consumption and pollution from energy and pollution intensive manufacturing processes. Within the DOE, the Office of Energy Research interests are in support of basic research and the Office of Energy Efficiency and Renewable Energy interests are in support of applied research. Each component within the Department of Energy will use its own funding authorities and appropriations to administer funding in support of this project.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 96–05, should be received by DOE by 4:30 p.m. e.s.t., March 1, 1996. A response discussing the potential program relevance of a formal application generally will be communicated to the applicant within 30 days of receipt. The deadline for receipt of formal applications is 4:30 p.m., e.d.t., May 1, 1996, to be accepted for merit review and to permit timely consideration for award in fiscal year 1996.

ADDRESSES: All preapplications, referencing Program Notice 96–05, should be sent to Dr. Walter M. Polansky, Office of Computational and Technology Research, ER–33 (GTN), Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290.

After receiving notification concerning successful preapplications, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, Attn: Program Notice 96–05. The above address for formal applications must be used when submitting formal applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when hand carried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Walter M. Polansky, Office of Computational and Technology Research, ER–33 (GTN), Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, (301) 903–5995.

SUPPLEMENTARY INFORMATION: DOE encourages submission of applications to conduct high-quality research on the fundamental issues that will underpin future vehicular technologies and conversion of energy and pollution intensive industrial processes to more environmentally sound and energy efficient processes. Applications received by DOE under their normal competitive application mechanisms may also be deemed appropriate for consideration under this announcement and may be funded under this program. It is anticipated that the results of the

research will be published in the peer-reviewed, archival scientific literature.

Vehicular Transportation

Basic research in vehicle transportation technologies will be needed to move beyond immediate regulatory and technology goals to meet future demands for conserving natural resources, for safety, and for minimizing adverse environmental consequences. In a workshop held in January, 1995, and jointly sponsored by NSF and DOE, basic research needs for future vehicular technologies were identified and discussed. Areas of frontier research of particular interest to NSF are, for example, modeling and simulation of energy processes, fundamental understanding of surfaces and interfaces, relevant nano-science, energy relevant new materials, advances in sensors and control methodology, and understanding catalytic and electrochemical processes.

Copies of the workshop report entitled ''Basic Research Needs for Vehicles of the Future'' can be found on the Office of Basic Energy Sciences World Wide Web pages at: http://www.er.doe.gov/production/bes/bes.html

Reducing Energy Consumption and Pollution From Energy and Pollution Intensive Manufacturing Processes

It is widely recognized that a critical and pervasive issue for the 21st Century will be the balancing of industrial activity and environmental stewardship, and that more knowledge is needed to make effective choices to achieve that balance. There are seven industries that consume 80 percent of the energy and produce over 90 percent of the wastes in the manufacturing sector; these seven industries are: chemicals, petroleum refining, forest products, steel, aluminum, glass, and metal casting.

Identification and clarification of specific areas where new knowledge is needed to address, in the longer term, industry-related environmental issues occurred through a joint DOE and NSF-sponsored workshop held in New Orleans January 4–6, 1996. The workshop consisted of two parts. In the first part, issues specific to the automotive, chemical, energy, electronics, and metals industries were considered. In the second part, general crosscutting issues such as sensors; monitoring and controls; manufacturing and processing; health; ecological and environmental impacts, including bioprocessing during manufacturing; life cycle and risk analysis (integrated assessment); resource management; recovery; renewables; and the underlying environmental chemistry issues were covered. Applications in these crosscutting areas received under additional solicitations from the Office of Energy Research may be considered under this program.

Further information on the NSF/DOE workshop can by obtained by consulting the material on the Office of Basic Energy Sciences World Wide Web pages at: http://www.er.doe.gov/production/bes/bes.html

Recommendations taken from efforts conducted by the Office of Energy Efficiency and Renewable Energy (EE/RE) of the Department of Energy, will also be used to appropriately direct applications. EE/RE is interested in research that is directed towards near term results, particularly with regard to reduced energy consumption and reduced waste production in the steel, aluminum, forest products, glass, metal casting, chemicals, and petroleum refining industries. Those wishing to address applied problems in these industries may contact Harvey C. Wong of the Office of Industrial Technologies, EE–20, U.S. Department of Energy, Washington, DC 20585; 202–586–9235 for further information, or by consulting the material on the World Wide Web at: http://www.nrel.gov/oit/documents/technology.html

Information Regarding Applications for Assistance

To strengthen the probability that proposed research will contribute in the future to improved technologies and processes, applicants are encouraged to develop working collaborations with appropriate and relevant industries. Applications involving industrial collaboration will receive preference over applications of equal scientific merit but lacking such collaboration. All formal applications will receive peer review by members of the scientific community at large. In addition, applications considered for funding by DOE will be reviewed for relevance to the missions of the Department and its technology programs.

To minimize undue effort on the part of applicants and reviewers, interested parties are invited and encouraged to submit preapplications. Applicants submitting preapplications demonstrating the greatest likelihood of success in competition will be encouraged to submit formal applications for research grants. The brief preapplication, in accordance with 10 CFR 600.10(d)(2), should consist of two to three pages of narrative describing the research objectives and methods of accomplishment. The preapplications will be reviewed relative to the scope and research needs identified by DOE and NSF through workshops and other means. Telephone and FAX numbers are required parts of the preapplication, and electronic mail addresses are desirable.

In Fiscal Year 1996, it is anticipated that approximately $2,000,000 from DOE will be available for grants for research related to automotive technologies and approximately $5,000,000 from DOE will be available for research related to reducing energy and pollution. Multiple-year funding of grant awards is expected and is also contingent upon the availability of funds. These are new programs and, therefore, there are no previous applicable award sizes. However, awards sizes in similar programs at DOE range from $50,000 to $250,000 with terms from one to three years. Renewal of the award for another term will be dependent upon success factors such as publications and peer-review of the renewal application.

The number of awards and the range of funding will depend on the number of applications received and selected for award. Information about the development, submission, and the selection process, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the Office of Computational and Technology Research, ER–33 (GTN), Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. Telephone requests may be made by calling (301) 903–5995. Electronic access to ER's Financial Assistance Guide is possible via the Internet using the following E-mail address: http://www.er.doe.gov/

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC on January 29, 1996.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research

[FR Doc. 96–2876 Filed 2–8–96; 8:45 am]

BILLING CODE 6450–01–P

Waste Heat Driven Thermal Swing Oxygen Production System

AGENCY: Department of Energy (DOE), Albuquerque Operations Office (AL).

ACTION: Notice of issue of solicitation.

SUMMARY: AL of the DOE announces the issue of a competitive Solicitation

Number DE–C04–96AL89608 under DOE Financial Assistance Rules, 10 CFR 600.9, for Waste Heat Driven Thermal Swing Oxygen Production System.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87185–5400, Attn: Ms. Martha Youngblood, Contracts and Procurement Division, Telephone Number: (505) 845–4268, Fax Number: (505) 845–4004.

A copy of the solicitation can be obtained by contacting Ms. Youngblood at the above address, telephone, or fax number(s). Applicants who have previously requested copies of this solicitation are currently on the mailing list and have been furnished copies of the solicitation.

SUPPLEMENTARY INFORMATION: The DOE plans to issue a Federal Assistance Solicitation for Cooperative Agreement Proposals (FASCAP), February 1, 1996 for the Waste Heat Driven Thermal Swing Oxygen Production System Program. The program objective of this program is to implement a development program that will demonstrate the waste heat driven Thermal Swing Absorption (TSA) Cycle as an economical, commercial oxygen producing process for use by industries with furnace applications that would benefit from oxygen-fuel combustion which effectively fulfills the following objectives: (1) Apply and extend the development of existing chemicals whose potential application for a commercial TSA oxygen production cycle have been demonstrated by either of the following approaches or a combination of both: (a) Utilize the chemical development and process feasibility already demonstrated by the DOE-University of New Hampshire (UNH) TSA Project under DOE Grant No. DE–FG04–90CE40927, or (b) utilize chemicals and processes that have been independently developed and tested; (2) design, develop, demonstrate and assure applicability of the TSA process to industries with furnace applications that would benefit from oxygen-fuel combustion; (3) utilize the special characteristics and processes of the appropriate furnace applications, such as the availability of waste heat, to enhance the applicability, efficiency and economy of TSA technology; (4) achieve adequate potential for industrial adoption of the technology by demonstrating satisfactory system operation, and overcome identifiable barriers by proper planning, analysis and testing; (5) enable further energy savings and reduction of environmental pollution by industry; and (6) lead to corresponding improvements in the U.S. economy, technical leadership and competitiveness of U.S. industry and standard of living.

The project will consist of up to three phases: Phase I, Chemical Verification, Equipment Design and System Analysis; Phase II, Pilot-Scale Development; and Phase III, Demonstration Testing and Planning for Adoption. If any of the Phase I work has already been performed, the applicant may propose a project for only the uncompleted Phase I work and the remaining Phases; however, the proposal must fully document and demonstrate that the previous work has been successfully completed. The estimated DOE funding for Phase I is $174,000 (to be spent in fiscal years (FY) 1996 and 1997). A minimum of 50% cost sharing (non-federal) is required for Phase I. Cost sharing for Phase II will be a minimum of 50% cost share. Cost sharing for Phase III is expected to be 100%. The resultant agreement will be managed by the DOE, Albuquerque Operations Office. The period of performance is expected to last approximately four years. Applications will be due by April 5, 1996. If you are interested in receiving the FASCAP, contact Martha Youngblood at the above address or (505) 845–4268. All responsible sources may submit an application which will be considered.

The Solicitation is subject to the Energy Policy Act, Public Law 102–486, 42 U.S.C. 13525. Section 2306 imposes eligibility requirements on companies seeking financial assistance under Titles XX through XXIII of the Act. A company shall be eligible to receive financial assistance under Titles XX through XXIII of the Act only if the Secretary finds that the company's participation in any program under such titles would be in the economic interest of the United States, as evidence by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions of employment in the United States; an agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers.

PURPOSE: This solicitation is issued to announce the issue of a waste heat driven thermal swing oxygen production system solicitation.

Issued in Albuquerque, New Mexico on February 1, 1996.

G. Eric Bell,

Assistant Manger for Management and Administration.

[FR Doc. 96–2874 Filed 2–8–96; 8:45 am]

BILLING CODE 6450–01–P

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995.

DATES: Comments must be filed on or before March 11, 1996. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION: Requests for additional information or copies of the forms and instructions should be directed to Herbert Miller, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be telephoned at (202) 426–1103; e-mail: hmiller@eia.doe.gov; (FAX 202–426–1081).

SUPPLEMENTARY INFORMATION: The Energy Information Administration (EIA) has submitted the energy information collections listed below to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The listing does not include collections of information

contained in new or revised regulations which are to be submitted under section 3507(d)(1)(A) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) Collection number and title; (2) summary of the collection of information (includes sponsor; i.e., the DOE component), current OMB document number (if applicable), response obligation (mandatory, voluntary, or required to obtain or retain benefits), and type of request (new, revision, extension, or reinstatement); (3) a description of the need and proposed uses of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting and recordkeeping burden (number of respondents per year times the average number of responses per respondent annually times the average burden per response).

The energy information collection submitted to OMB for review was:

1. Form FE–746R, ''Import and Export of Natural Gas''

2. Assistant Secretary for Fossil Energy; Docket Number 1901–0287; Response Obligation—Mandatory; and Revision

3. FE–746R collects data from importers and exporters of natural gas, including contracts, market analyses, price and volume information. The data are derived from company internal documents and are used to conduct analyses, support decisions, monitor compliance with authorizations, and ensure that authorizations continue to remain in the public interest.

4. Business or other for-profit

5. 4,000 total annual burden hours (140 respondents x 1 response per respondent x 28.57 hours per response).

Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C., January 31, 1996.

John Gross,

Acting Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 96–2875 Filed 2–8–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Office of Environmental Management

Energy Research Financial Assistance Program Notice 96–10; Environmental Management Science Program

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Offices of Energy Research (ER) and Environmental Management (EM), U.S. Department of Energy, hereby announce their interest in receiving grant applications for performance of innovative, fundamental research to support the management and disposal of DOE radioactive, hazardous chemical, and mixed wastes.

This basic research should contribute to environmental management and restoration actions that would decrease risk for the public and workers, provide opportunities for major cost reductions, reduce time required to achieve EM's mission goals, and, in general, should address problems that are considered intractable without new knowledge. This program is designed to inspire ''breakthroughs'' in areas critical to the EM mission through long-term research and will be managed in partnership with ER. ER's well-established procedures, as set forth in the Energy Research Merit Review System, as published in the Federal Register, March 11, 1991, Vol. 56, No. 47, pages 10244–10246, will be used for merit review of applications submitted in response to this notice.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 96–10, should be received by DOE by 4:30 p.m. e.s.t., February 28, 1996. A response discussing the potential program relevance of a formal application generally will be communicated to the applicant within 15 days of receipt. The deadline for receipt of formal applications is 4:30 p.m., e.d.t., May 8, 1996, in order to be accepted for merit review and to permit timely consideration for award in fiscal year 1996.

ADDRESSES: All preapplications, referencing Program Notice 96–10, should be sent to Ms. Bobbi Parra, Office of Health and Environmental Research, ER–74, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290, 301–903–3316, fax 301–903–8519, or by the internet e-mail address bobbi.parra@oer.doe.gov.

After receiving notification from DOE concerning successful preapplications, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, Attn: Program Notice 96–10. The above address for formal applications must also be used when submitting formal applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when hand carried by the applicant. Please note that notification of a successful preapplication is not indication that an award will be made in response to the formal application.

It is anticipated that up to $20,000,000 will be available for grant awards during FY 1996 that will enable innovative fundamental research contingent upon the availability of appropriated funds. Multiple-year funding of grant awards is expected and is also contingent upon the availability of funds. Award sizes are expected to be on the order of $100,000–$300,000 per year for total project costs for a typical three year grant.

FOR FURTHER INFORMATION CONTACT: Dr. Michelle Broido, Office of Health and Environmental Research, ER–74, Office of Energy Research, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–3281, or Dr. Carol Henry, Office of Science and Risk Policy, Office of Environmental Management, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: (202) 586–7150.

SUPPLEMENTARY INFORMATION: The Office of Environmental Management, in partnership with the Office of Energy Research, is initiating an Environmental Management Science Program to fulfill DOE's continuing commitment for the cleanup of DOE's environmental legacy. Funding to initiate this program was established in the Conference Report accompanying the FY 1996 Energy and Water Development Appropriation Bill.

Purpose

The need to build a stronger scientific basis for the Environmental Management effort has been established in a number of recent studies and reports. Among the important observations and recommendations made by the Galvin Commission (''Alternative Futures for the Department of Energy National Laboratories,'' February 1995) are the following:

> There is a particular need for long term, basic research in disciplines related to environmental cleanup . . . Adopting a science-based approach that includes supporting development of technologies and expertise . . . could lead to both reduced cleanup costs and smaller environmental impacts at existing sites and to the development of a scientific foundation for advances in environmental technologies.

The objectives of the basic science program are to:

• Provide scientific knowledge that will revolutionize technologies and clean-up approaches to significantly reduce future costs, schedules, and risks; and

• ''Bridge the Gap'' between broad fundamental research that has wide-ranging applicability such as that performed in DOE's Office of Energy Research and needs-driven applied technology development that is conducted in EM's Office of Science and Technology; and

• Focus the Nation's science infrastructure on critical DOE environmental management problems.

Representative Research Areas

Basic research is solicited for areas of concern to the Department's environmental management programs including but not limited to: chemical characterization of wastes and contaminants on an atomic and molecular level; development of knowledge of the physical and chemical behavior of such species; physical and chemical basis for waste separations and treatment; characterization and modeling of multi-phase chemical systems in natural systems, waste tanks and process streams; and monitoring, controlling, and assessing these processes. Understanding the fate of contaminants already in the environment includes the identification of the biological and geochemical reactions that sequester or degrade contaminants; understanding colloids or complexes of associated contaminants; and quantifying the impacts of geologic heterogeneity on the effectiveness of various remediation strategies. Indirect characterization of the geological environment by geophysical techniques provides the basic structural information essential in planning and monitoring remedial actions. Also important are studies to characterize flow and reactive transport through fractured and porous rocks and soils, and to characterize the physiological, biochemical, and genetic mechanisms for the uptake, transport, and sequestering of inorganic ions and organic molecules related to the use of plants and microorganisms for the cleanup of hazardous wastes.

Advances in information and monitoring technologies will also allow evaluation of progress in addressing these problems and devising new solutions. In the future, the focus will be on increasing efficiency in terms of materials and energy use. Better means of monitoring and controlling present system operations will significantly improve process efficiency and reduce waste outputs.

Specific examples illustrating the general subject areas, above, are found in the background section of this document.

Applicants in this program are strongly encouraged to collaborate with researchers in industry and/or the DOE National Laboratories, when appropriate, and to incorporate cost sharing and/or consortia wherever feasible. Grant applications are encouraged from all disciplines.

Merit Review and Evaluation Criteria

Formal applications will be subjected to formal merit review (peer review) and will be evaluated against the following evaluation criteria codified at 10 CFR 605.10(d).

1. Scientific and/or Technical Merit of the Project
2. Appropriateness of the Proposed Method or Approach
3. Competency of Applicant's Personnel and Adequacy of Proposed Resources
4. Reasonableness and Appropriateness of the Proposed Budget.

Examples of the considerations associated with determining the scientific and/or technical merit of the project include, but are not limited to:

—Potential for addressing problems identified by DOE, with meaningful progress within the proposed time frame.

—Benefits and merits of an application e.g. public purpose, time savings, extent of applicability, cost and risk reduction.

DOE shall also consider, as part of the evaluation, program policy factors such as an appropriate balance among the program areas.

Note, external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers may be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Preapplications

The brief preapplication, in accordance with 10 CFR 600.10(d)(2), should consist of two to three pages of narrative describing the research objectives and methods of accomplishment together with a brief summary of the principal investigator's publication and research background. The preapplications will be reviewed relative to the scope and research needs of the DOE's Environmental Management Science Program by qualified DOE program managers from both ER and EM. Telephone and FAX numbers are required parts of the preapplication, and electronic mail addresses are desirable.

Information

Information about the development, submission of applications, eligibility, limitations, evaluation, the selection process, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the U.S. Department of Energy, Office of Energy Research, ER–74, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone requests may be made by calling (301) 903–3316. Electronic access to ER's Financial Assistance Application Guide is possible via the World Wide Web at: http://www.er.doe.gov/production/grants/grants.html.

Background

The justification for such a program is grounded in the long-term costs for the Environmental Management program estimated at $200–350 billion over 75 years; in 10 years at current budget projections, $60 billion will have been spent, with over two thirds of the program yet remaining. This is the largest legacy from the Cold War of any other Federal program, dwarfing the Department of Defense's DOD's legacy by ten-fold. The Office of Environmental Management is responsible for waste management and cleanup of DOE sites. The EM operations have been historically compliance-based and driven to meet established goals in the shortest time possible using either existing technologies or those that could be developed and demonstrated within a few years. The Office of Energy Research addresses fundamental, frequently long-term, research issues related to the many missions of the Department. The Environmental Management Science Program will use ER's experience in managing fundamental research to address the needs of technology breakthroughs in EM's programs.

This research agenda has been initiated for Fiscal Year 1996, along with a development process for a long term program within the Office of Environmental Management, with the objective of providing continuity in scientific knowledge that will revolutionize technologies and clean-up approaches for solving DOE's most complex environmental problems.

Specific examples of areas of interest for research under this solicitation are:

• Advanced characterization methods that accelerate treatment and immobilization of high-level wastes. Pretreatment and separation methods that lead to a significant reduction in the amount of immobilized high-level waste requiring long-term isolation. Innovative separations for solids and for liquids, needed to significantly reduce projected high-level waste volume.

• In-situ characterization of dense non-aqueous phase liquid to allow comparative risk assessments of alternative treatment methods. In situ immobilization of subsurface contaminants to reduce pump and treat costs. Permeable in situ treatment barriers and factors governing in situ treatment processes to replace unsatisfactory, extant alternatives for treatment of large plumes. Degradation and extraction methods for radioactive and hazardous contaminants from soil/water. Dissolution of water-soluble sludge; washing of water soluble sludge, with recovery of cesium, strontium, technetium.

• Characterization of heterogeneous wastes needed to optimize decontamination and decommissioning recycling alternatives. Surface stabilization to reduce the ultimate waste volume and to enhance recycling. Selective and non-selective removal of contaminants from surfaces or bulk materials. Recycling of valuable commodities into general commerce.

• Non-destructive and in situ characterization methods to characterize the hazard of landfills. Innovative immobilization and transformation concepts that significantly reduce the cost of remediation. Ex-situ separation and treatment concepts to rapidly and safely destroy or immobilize landfill constituents.

• Emission-free destruction of organic wastes. Off-gas treatment that eliminates emissions in the environment that exceed Environmental Protection Agency requirements. Non-thermal treatment concepts for mixed waste. Bioremediation, enzymatic reactions, enzyme redesign, genetic engineering, microbial gene sequencing.

• Plutonium behavior in mixed matrices. Long-term monitoring concepts for plutonium.

• New concepts for waste stabilization of spent nuclear fuel. Long-term monitoring and performance assessment of spent nuclear fuel. Physics and chemistry of radionuclides in mixed matrices.

• Specialized waste forms. Performance assessment concepts for nuclear waste disposal.

• Ecology. Comprehensive understanding of the flow and use of materials and energy in our environmental system and the implications of those flows with respect to the environment. Ecosystem restoration and management; conduct monitoring, modeling, and process research to improve understanding of threatened and damaged ecosystems, technologies to restore the productivity and quality of these ecosystems.

• Biomarkers and sensors of exposure to contaminated media. Multi-site epidemiology studies. Effort to address current health concerns while continuing to conduct research that will promote a better future understanding of the relationship between exposure and health impacts.

The program will be competitive and offered to investigators in universities or other institutions of higher education, or other non-profit or for-profit organizations, non-Federal agencies or entities, or unaffiliated individuals. Apart from this notice, the program also will be offered to DOE national laboratories and other Federal laboratories, which will compete separately for appropriated funds. To ensure that the program is mission-oriented and that its achievements are recognized and used by EM, the Environmental Management Science Program will be closely integrated with EM's Technology Development Focus Areas and will also be closely coordinated with the Office of Energy Research to ensure use of broad-based fundamental research and development supported by that office.

Details of the programs of the Office of Environmental Management and the technologies currently under development or in use by Environmental Management Program can be found on the World Wide Web at http://www.em.doe.gov and at the extensive links contained therein. These programs and technologies should be used as guidance when considering areas of research to be proposed.

The United States involvement in nuclear weapons development for the last 50 years has resulted in the development of a vast research, production, and testing network known as the nuclear weapons complex. The Department has begun the environmental remediation of the complex, encompassing radiological an nonradiological hazards, vast volumes of contaminated water and soil, and over 7,000 contaminated structures. The Department must characterize, treat, and dispose of hazardous and radioactive wastes that have been accumulating for more than 50 years at 120 sites in 36 states and territories. By 1995, the Department had spent about $23 billion in identifying and characterizing its waste, managing it, and assessing the remediation necessary for its sites and facilities. The Department estimates that the remedial actions at Department sites (not including groundwater cleanup, currently operating facilities and Naval facilities) could cost a total of $200–350 billion and take at least 75 years to complete. According to the estimates of the total program cost, 49% would go to waste management and 28% to environmental restoration, 10% to nuclear material and facility stabilization, and 5% to research and technology development with the remaining 8% for activities such as site security, transportation, and other landlord activities. The estimated life cycle costs over 75 years for the seven highest cost problem areas within the programs in descending order are as follows:

—Decommissioning
—High Level Waste
—Remedial Actions
—Low Level Waste
—Transuranic Waste
—Mixed Low Level Waste
—Spent Nuclear Fuel

Environmental Management is also responsible for conducting the program for waste minimization and pollution prevention for the Department. The variety and volume of the Department's current activities make this effort a challenge itself. In some cases, fundamental science questions will have to be addressed before a technology or process can be engineered. For example, improved understanding of the principles of pollutant transport in groundwater is required for important advancement in the development of effective groundwater-remediation technology. There is a need to involve more basic science researchers in the challenges of the Department's remediation effort.

References for Background Information on the Mission Responsibilities of the Office of Environmental Management

Note: World Wide Web locations of these documents are provided where possible. For those without access to the World Wide Web, hard copies of these references may be obtained by writing Dr. Carol Henry at the address listed in the contacts section.

DOE. 1995. Closing the Circle on Splitting of the Atom: The Environmental Legacy of Nuclear Weapons Production in the United States and What the Department of Energy is Doing About It. The U.S. Department of Energy, Office of Environmental Management, Office of Strategic Planning and Analysis,

Washington, DC. *http://www.em.doe.gov/circle/index.html*

DOE. 1995. Estimating the Cold War Mortgage: The 1995 Baseline Environmental Management Report. Volume I, March 1995. U.S. Department of Energy Office of Environmental Management, Washington, DC. *http://www.em.doe.gov/bemr/index.html*

DOE. 1995. Environmental Management 1995: Progress and Plans of the Environmental Management Program. The U.S. Department of Energy, Office of Environmental Management, Washington, DC. *http://www.em.doe.gov/em95/index.html*

DOE. 1995. Risks and the Risk Debate: Searching for Common Ground ''The First Step''. The U.S. Department of Energy, Office of Environmental Management, Washington, DC. *http://raleigh.dis.anl.gov:81/cgi-bin/dispdoc—return.pl?rrd+1*

DOE. 1995. Technology Summary Reports, June 1995 (Rainbow Books) *http://www.em.doe.gov/emnet5.html*

DOE. 1995. Office of Science and Technology EM–50. *http://www.em.doe.gov/emnet5.html*

National Academy of Sciences. Allocating Federal Funds for Science and Technology. 1995. National Academy Press, Washington, DC. *http://www.nas.edu/nap/online/fedfunds/*

National Commission on Superfund Members. Final Consensus Report of the National Commission on Superfund. March 1994. Keystone Center and the Environmental Law Center of Vermont Law School. *N/A*

National Environmental Technology Strategy. Bridge to a Sustainable Future. April 1995. National Science and Technology Council, Washington, DC. *http://iridium.nttc.edu/env/envstrat.txt*

National Research Council. Improving the Environment: An Evaluation of DOE's Environmental Management Program. 1995. National Academy Press, Washington, DC. *N/A*

Secretary of Energy Advisory Board. Alternative Futures for the Department of Energy National Laboratories. February 1995. Task Force on alternative Futures for the Department of Energy National Laboratories, Washington, DC. *http://www.doe.gov/html/doe/whatsnew/galvin/tf-rpt.html*

U.S. Congress, Office of Technology Assessment. Complex Cleanup: The Environmental Legacy of Nuclear Weapons Production, February 1991. U.S. Government Printing Office, Washington, DC. *N/A*

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC January 31, 1995.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 96–2877 Filed 2–8–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP96–134–000]

Southern Natural Gas Co.; Notice of Section 4 Filing

February 5, 1996.

Take notice that on January 31, 1996, Southern Natural Gas Company (Southern) tendered for filing, pursuant to Section 4 of the Natural Gas Act, a notice of termination of gathering service upon the transfer of it Miley Line facilities in Livingston Parish, Louisiana to Amoco Production (Amoco). Southern proposed that the proposed termination of service be effective March 1, 1996.

Southern states that the Miley #1 Well is not a separate receipt point on its system. Southern asserts that the receipt point for this gas and gas gathered from all of the wells in the Lockhart Crossing area is the tailgate of the Amoco Plant, downstream of the Miley Line Facilities, and that Amoco, as operator of the Plant, allocates any gas being shipped on behalf of the working interest owners from the various Lockhart Crossing Wells upstream of the Amoco Plant. Therefore, Southern maintains that its existing transportation contracts will not be affected by the transfer of the Miley line facilities to Amoco. Southern indicates that Amoco has sent a letter to all the working interest owners in the Miley #1 Well advising them of the option of entering into a gathering contract with Amoco.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. Pursuant to Section 154.210 of the Commission's Regulations, all such motions or protests must be filed no later than February 12, 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 in the public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2770 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2009]

Virginia Electric and Power Co.; Notice of Meeting

February 5, 1996.

Notice is hereby given that the Federal Energy Regulatory Commission (FERC) staff has requested a meeting with the North Carolina Power Company (NCPC), the U.S. Army Corps of Engineers (Corps), Virginia and North Carolina resource agencies, and interested parties to discuss FERC's and the Corps' involvement in relicensing studies and the status of ongoing scientific studies for relicensing the Roanoke Rapids Project and the Gaston Project No. 2009. The meeting will be at 10:00 a.m. on February 21, 1996, at the North Carolina Power Office, 1040 Roanoke Avenue, Roanoke Rapids, North Carolina.

If you have any questions concerning this matter, please call Mr. Ed Crouse at (202) 219–2794.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2769 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–156–000]

Williston Basin Interstate Pipeline Co.; Notice of Request Under Blanket Authorization

February 5, 1996.

Take notice that on January 25, 1996, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP96–156–000, a request pursuant to Section 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a new metering station and the associated appurtenant facilities to effectuate transportation deliveries on its transmission system, to Prairielands Energy Marketing, Inc. (Prairielands), a marketer, for ultimate use by the American Prairie Foods Potato Plant in Stutsman County, North Dakota. Williston Basin makes such request, under its blanket certificate issued in Docket No. CP82–487–000, *et al.* pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the

request on file with the Commission and open to public inspection.

Williston Basin indicates that the new metering station and associated appurtenant facilities will include a SCADA communication system enclosed within a building, a meter, regulators, miscellaneous gauges and valves, and a steel building, all of which will be enclosed within security fence. The estimated cost to construct said facilities is $100,000, and it is stated that Prairielands will reimburse Williston Basin in full for the cost of the facilities.

Williston Basin mentions that the estimated maximum volumes to be delivered are 4,000 Mcf per day, and that it will provide the service under its IT–1 Rate Schedule. Williston Basin states that the volumes that it is proposing herein to deliver, are within the contractual entitlements of the customer.

It is averred that the addition of the proposed facilities will not have a significant effect on Williston Basin's peak day or annual requirements, and capacity has been determined to exist on the Williston Basin system to serve this natural gas market.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2768 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Cultural Resources Compliance Training

February 5, 1996.

The Office of Pipeline Regulation (OPR) staff will convene a one-day cultural resources compliance training course on April 10, 1996 in New Orleans, Louisiana. We are offering this course in conjunction with the Society for American Archaeology (SAA) Annual Meeting, but our course is independent of the SAA meeting. The objective is to provide members of the regulated pipeline industry and interested individuals and organizations an understanding of:

- How best to assist the Commission in meeting its responsibilities under the National Historic Preservation Act (NHPA) and other historic preservation laws and regulations; and
- What cultural resources information the industry needs to file with the Commission before and after the Commission issues a certificate for interstate natural gas pipeline projects.

We encourage interested organizations and the public to take advantage of this course.

The course will include:

- Objectives and requirements of the Commission regarding compliance with § 106 of the NHPA and related historic preservation laws;
- Guidance for reporting on cultural resources investigations;
- Definition of cultural resources terms used by the Commission in the compliance process; and
- Efficient strategies for planning and conducting cultural resources investigations.

The location is the New Orleans Marriott Hotel, 555 Canal Street, New Orleans, Louisiana. For hotel reservations, call (504) 581–1000 and identify yourself as an attendee of the course offered in conjunction with the SAA Conference. Special hotel room rates are available until March 15, 1996.

The OPR staff and Foster Wheeler Environmental Corporation, the Commission's environmental support contractor, will conduct the training. There is no fee for the course, but you must pre-register. Please call the telephone number listed below to obtain a pre-registration form.[1] Because space is limited, please mail or fax the registration form within 15 days of publication of this notice to: Ms. Sarah Adam, Foster Wheeler Environmental Corporation, 470 Atlantic Avenue, Boston, MA 02210, Telephone: (617) 542–8805, FAX: (617) 695–1587.

You will receive confirmation of pre-registration and additional information before the Commission's training course. However, an insufficient number of registrants will result in cancellation of the course. We will attempt to notify registrants by March 29, 1996, if the course is cancelled or you may obtain that information by calling (617) 542–8805 on or after that date.

[1] The registration form referenced in this notice is not being printed in the Federal Register. Copies of the form were sent to those receiving this notice in the mail.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2772 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–888–000, et al.]

The Dayton Power & Light Company, et al.; Electric Rate and Corporate Regulation Filings

February 2, 1996.

Take notice that the following filings have been made with the Commission:

1. The Dayton Power and Light Company

[Docket No. ER96–888–000]

Take notice that on January 22, 1996, The Dayton Power and Light Company (Dayton), tendered for filing, an executed Master Power Sales Agreement between Dayton and Northeast Utilities Service Company (NU).

Pursuant to the rate schedule attached as Exhibit B to the Agreement, Dayton will provide to NU power and/or energy for resale.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Entergy Services, Inc.

[Docket No. ER96–869–000]

Take notice that on January 19, 1996, Entergy Services, Inc. (Entergy Services), on behalf of Arkansas Power & Light Company, Gulf States Utilities Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (Entergy Operating Companies), tendered for filing a Transmission Service Agreement (TSA) between Entergy Services, Inc. and the Tennessee Valley Authority. Entergy Services states that the TSA sets out the transmission arrangements under which the Entergy Operating Companies provide non-firm transmission service under their Transmission Service Tariff.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. South Carolina Electric & Gas Company

[Docket No. ER96–870–000]

Take notice that on January 19, 1996, South Carolina Electric & Gas Company (SCE&G), tendered for filing a transmission service agreement dated January 1, 1996 between SCE&G and the South Carolina Public Service Authority under which SCE&G will provide specified transmission service to the

Woodland Hills Substation effective January 1, 1996. SCE&G requests waiver of the Commission's notice requirements to implement the agreement.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–871–000]

Take notice that on January 19, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) (jointly, the Companies) submitted Transmission Service Agreements establishing three new customers under the terms of the ERCOT Coordination Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing have been served upon the three customers and the Public Utility Commission of Texas.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–872–000]

Take notice that on January 19, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) submitted for filing: (1) two unexecuted Transmission Service Agreements between CPL and Brazos Electric Power Cooperative (BEP) and Brazos Power Marketing Cooperative, Inc. (BPM) and (2) two unexecuted Transmission Service Agreements between WTU and BEP, and WTU and BPM (Service Agreements). Under the Service Agreements, CPL and WTU will transmit power and energy purchased by BEC and BPM from LG&E Power Marketing, Inc. (LG&E). CPL and WTU request that the Service Agreements be accepted to become effective as of January 1, 1996.

Copies of the filing were served on BEC and BPM and the Public Utility Commission of Texas.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Public Service Company of Oklahoma and Southwestern Electric Power Company

[Docket No. ER96–873–000]

Take notice that on January 19, 1996, Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) (jointly, the Companies) submitted Transmission Service Agreements establishing three new customers under the terms of the Companies' SPP Interpool Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing were served upon the three customers, the Public Utility Commission of Texas, the Louisiana Public Service Commission and the Oklahoma Corporation Commission.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Central Power and Light Company and West Texas Utilities Company

[Docket No. ER96–874–000]

Take notice that on January 19, 1996, Central Power and Light Company (CPL) and West Texas Utilities Company (WTU) (jointly, the Companies) submitted Transmission Service Agreements establishing three new customers under the terms of the ERCOT Interpool Transmission Service Tariff.

The Companies request waiver of the Commission's notice requirements. Copies of this filing were served upon the three customers and the Public Utility Commission of Texas.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Madison Gas and Electric Company

[Docket No. ER96–875–000]

Take notice that on January 19, 1996, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with Koch Power Services, Inc., under MGE's Power Sales Tariff. MGE requests an effective date 60 days from the filing date.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Central Illinois Light Company

[Docket No. ER96–876–000]

Take notice that on January 19, 1996, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61202, tendered for filing with the Commission a substitute Index of Customers under its Coordination Sales Tariff and service agreements for five new customers.

CILCO requested an effective date of February 1, 1996.

Copies of the filing were served on all affected customers, parties and the Illinois Commerce Commission.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Wisconsin Public Service Corporation

[Docket No. ER96–877–000]

Take notice that on January 19, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing executed Transmission Service Agreements between WPSC and Enron Power Marketing Inc. The Agreements provide for transmission service under the Comparable Transmission Service Tariff, FERC Original Volume No. 7.

WPSC asks that the agreements become effective retroactively to the date of execution by WPSC.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Public Service Corporation

[Docket No. ER96–878–000]

Take notice that on January 19, 1996, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Supplement No. 3 to Transmission Service Agreement No. 2 between WPSC and Manitowoc Public Utilities. The Agreement provides for transmission service under the T–1 Transmission Tariff, FERC Original Volume No. 4.

WPSC asks that the agreement become effective January 1, 1996.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Wisconsin Public Service Corporation

[Docket No. ER96–879–000]

Take notice that on January 19, 1996, Wisconsin Public Service Corporation tendered for filing an executed service agreement with Catex Vitol Electric L.L.C. under its CS–1 Coordination Sales Tariff.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Consumers Power Company

[Docket No. ER96–880–000]

Take notice that on January 19, 1996, Consumers Power Company (Consumers), tendered for filing a new wholesale service agreement and related amendments to a prior wholesale service agreement and a transmission agreement with Southeastern Michigan Rural Electric Cooperative, Inc. (Southeastern).

Copies of the filing were served upon the Michigan Public Service Commission and Southeastern.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Consumers Power Company

[Docket No. ER96–881–000]

Take notice that on January 19, 1996, Consumers Power Company (Consumers), tendered for filing a Service Agreement with the Michigan Public Power Agency (MPPA) and Wolverine Power Supply Cooperative, Inc. (Wolverine) pursuant to Consumers' Open Access Transmission Service Tariff. The filed Service Agreement makes available to MPPA and Wolverine firm transmission service arrangements in order to facilitate operation of a coordination group called the Municipal Cooperative Coordinated Pool. Also tendered for filing by Consumers are Amendment No. 2 to a Coordinated Operating Agreement between Consumers, MPPA and Wolverine, and Supplemental Agreement No. 4 to the Alba Interconnection Facilities Agreement between Consumers and Wolverine. A copy of the filing was served upon the MPPA, Wolverine, the Michigan Public Service Commission and the service list in Docket No. ER92–332–000.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Power Company

[Docket No. ER96–882–000]

Take notice that on January 19, 1996, Consumers Power Company (Consumers), tendered for filing a Transmission Service Agreement with Edison Sault Electric Company. The filed Service Agreement makes available firm point-to-point transmission service. A copy of the filing was served upon Edison Sault Electric Company and the Michigan Public Service Commission.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Wisconsin Electric Power Company

[Docket No. ER96–883–000]

Take notice that on January 22, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing revision to its FERC Electric Tariff, Volume 1, Service Agreement No. 16.

Wisconsin Electric requests an effective date of January 1, 1996, in order to implement the Agreement's modifications, which do not result in revenue increases.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. New York State Electric & Gas Corporation

[Docket No. ER96–884–000]

Take notice that on January 22, 1996, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to § 35.12 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 35.12, as an initial rate schedule, an agreement with MidCon Power Service Corp. (MPS). The agreement provides a mechanism pursuant to which the parties can enter into separately scheduled transactions under which NYSEG will sell to MPS and MPS will purchase from NYSEG either capacity and associated energy or energy only as the parties may mutually agree.

NYSEG requests that the agreement become effective on January 23, 1996, so that the parties may, if mutually agreeable, enter into separately scheduled transactions under the agreement. NYSEG has requested waiver of the notice requirements for good cause shown.

NYSEG served copies of the filing upon the New York State Public Service Commission and MPS.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Central Illinois Public Service Company

[Docket No. ER96–885–000]

Take notice that on January 22, 1996, Central Illinois Public Service Company (CIPS) submitted a Service Agreement, dated December 7, 1995, establishing Valero Power Services Company (Valero) as a customer under the terms of CIPS' Coordination Sales Tariff CST–1 (CST–1 Tariff).

CIPS requests an effective date of December 23, 1995 for the service agreement with Valero. Accordingly, CIPS requests waiver of the Commission's notice requirements. Copies of this filing were served upon Valero and the Illinois Commerce Commission.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. The Dayton Power and Light Company

[Docket No. ER96–886–000]

Take notice that on January 22, 1996, The Dayton Power and Light Company (Dayton), tendered for filing, an executed Master Electric Interchange Agreement between Dayton and Koch Power Services, Inc. (KPSI).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to KPSI power and/or energy for resale.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. The Dayton Power and Light Company

[Docket No. ER96–887–000]

Take notice that on January 22, 1996, The Dayton Power and Light Company (Dayton), tendered for filing an executed Master Electric Interchange Agreement between Dayton and Rainbow Energy Marketing Corporation (REMC).

Pursuant to the rate schedules attached as Exhibit B to the Agreement, Dayton will provide to REMC power and/or energy for resale.

Comment date: February 16, 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. 96–2773 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER96–744–000, et al.]

Duquesne Light Company, et al.; Electric Rate and Corporate Regulation Filings

January 31, 1996.

Take notice that the following filings have been made with the Commission:

1. Duquesne Light Company

[Docket No. ER96–744–000]

Take notice that January 2, 1996, Duquesne Light Company tendered for filing a Service Agreement with InterCoast Power Marketing, Inc.

Comment date: February 12, 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. ER96–754–000]

Take notice that on January 4, 1996, GPU Service Corporation (GPU), on behalf of Jersey central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the ''GPU Operating Companies''), filed an executed Service Agreement between GPU and Associated Power Services, Inc. (APSI), dated December 22, 1995. This Service Agreement specifies that APSI has agreed to the rates, terms and conditions of the GPU Operating Companies' 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 APSI to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are not higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of December 22, 1995 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: February 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Portland General Electric Company

[Docket No. ER96–771–000]

Take notice that on January 11, 1996, Portland General Electric Company tendered for filing an Notice of Cancellation of Rate Schedule 193 Scheduling Services Agreement with Coastal Electric Services Company

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Cinergy Services, Inc.

[Docket No. ER96–796–000]

Take notice that on January 16, 1996, Cinergy Services, Inc. tendered for filing a Service Agreement with Virginia Electric Power Company.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Louisville Gas and Electric Co.

[Docket No. ER96–829–000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Koch Power Services, Inc. under Rate GSS.

6. Louisville Gas and Electric Company

[Docket No. ER96–831–000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Rainbow Energy Marketing Corp. under Rate GSS.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric Company

[Docket No. ER96–832–000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Catex Vitol Electric, L.L.C. under Rate GSS.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric Company

[Docket No. ER96–833–000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company tendered for filing copies of service agreement between Louisville Gas and Electric Company and Louis Dreyfus Electric Power Inc. under Rate GSS.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Company

[Docket No. ER96–843–000]

Take notice that on January 16, 1996, Illinois Power Company (Illinois Power) tendered for filing firm and non-firm transmission agreements under which Commonwealth Edison Company will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power tariff.

Illinois Power has requested an effective date of January 2, 1996.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER96–844–000]

Take notice that on January 16, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which Industrial Energy Applications, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of January 2, 1996.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power Corporation

[Docket No. ER96–846–000]

Take notice that on January 16, 1996, Florida Power Corporation (Florida Power), tendered for filing service agreements providing for service to Sonat Power Marketing Inc. pursuant to its open access transmission tariff (the T–2 Tariff).

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Montaup Electric Company

[Docket No. ER96–847–000]

Take notice that on January 16, 1996, Montaup Electric Company (Montaup), tendered for filing (a) a service agreement under Montaup's FERC Electric Tariff, Original Volume No. IV, with Reading Municipal Light Department and (b) a Notice of Cancellation of that service agreement. Montaup requests that the service agreement for allowed to become effective on December 7, 1995, when a transmission occurred under the tariff.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Power Service Corporation on behalf of West Penn Power Company

[Docket No. ER96–848–000]

Take notice that on January 17, 1996, Allegheny Power Service Corporation, on behalf of West Penn Power Company, submitted Supplement No. 7 to FERC Electric Tariff First Revised Volume No. 1. The Supplement No. 7 provides for the addition of the Borough of Tarentum, Pennsylvania as a customer taking service under Schedule WS-LV. West Penn Power Company requests a March 1, 1996, effective date.

Copies of the filing were served upon the jurisdictional customers and the Public Utility Commissions.

Comment date: February 13, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Baltimore Gas and Electric Company

[Docket No. ER96–894–000]

Take notice that on January 23, 1996, Baltimore Gas and Electric Company (BGE) filed a Network Integration Transmission Tariff and a Point-to-Point Transmission Service Tariff. BGE states that the Tariffs are consistent with the pro forma tariffs set forth in the Notice of Proposed Rulemaking in Docket No. RM95–8–000.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Potomac Electric Power Company

[Docket No. ER96–929–000]

Take notice that on January 25, 1996, Potomac Electric Power Company (PEPCO) filed, pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, two transmission tariffs: a Point-to-Point Transmission Service Tariff and a Network Integration Service Transmission Tariff. PEPCO states that the tariffs are substantively identical to the pro forma tariffs attached to the Commission's NOPR in Docket No. RM95–8–000.

Comment date: February 16, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Louisville Gas and Electric Company

[Docket No. ER96–830–000]

Take notice that on January 16, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Engelhard Power Marketing, Inc. under Rate GSS.

Comment date: February 13, 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. 96–2771 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER96–196–000, et al.]

Southern Company Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

February 1, 1996.

Take notice that the following filings have been made with the Commission:

1. Southern Company Services, Inc.

[Docket No. ER96–196–000]

Take notice that on January 23, 1996, Southern Company Services, Inc. acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an amendment to its previous submittal concerning the Interchange Service Contract between Southern Companies and Enron Power Marketing, Inc.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Louis Dreyfus Electric Power Inc. Powernet Corporation, J. Aron & Company, Utility-2000 Energy Corporation, Petroleum Source & Systems Group Inc., Tennessee Power Company, Logan Generating Company, L.P.

[Docket No. ER92–850–015], [Docket No. ER94–931–007], [Docket No. ER95–34–006], [Docket No. ER95–187–003], [Docket No. ER95–266–004], [Docket No. ER95–581–003], [Docket No. ER95–1007–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 29, 1996, Louis Dreyfus Electric Power Inc. filed certain information as required by the Commission's December 2, 1992, order in Docket No. ER92–850–000.

On January 25, 1996, Powernet Corporation filed certain information as required by the Commission's April 25, 1994, order in Docket No. ER94–931–000.

On January 29, 1996, J. Aron & Company filed certain information as required by the Commission's March 1, 1995, order in Docket No. ER95–34–000.

On January 17, 1996, Utility-2000 Energy Corporation filed certain information as required by the Commission's December 29, 1994, order in Docket No. ER95–187–000.

On January 18, 1996, Petroleum Source & Systems Group, Inc. filed certain information as required by the Commission's January 18, 1995, order in Docket No. ER95–266–000.

On January 16, 1996, Tennessee Power Company filed certain information as required by the Commission's April 28, 1995, order in Docket No. ER95–581–000.

On January 17, 1996, Logan Generating Company, L.P. filed certain information as required by the Commission's June 28, 1995, order in Docket No. ER95–1007–000.

3. AES Power, Inc., MidCon Power Services Corp., Electric Exchange, L.P., Westcoast Power Marketing, Inc., Rig Gas Inc., Southern Energy Marketing, Inc., NAP Trading And Marketing, Inc.

[Docket No. ER94–890–008], [Docket No. ER94–1329–006], [Docket No. ER95–111–005], [Docket No. ER95–378–001], [Docket No. ER95–480–004], [Docket No. ER95–976–003], [Docket No. ER95–1278–001 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On January 24, 1996, AES Power, Inc. filed certain information as required by the Commission's April 8, 1994, order in Docket No. ER94–890–000.

On January 25, 1996, MidCon Power Services Corporation filed certain information as required by the Commission's August 11, 1994, order in Docket No. ER94–1329–000.

On January 26, 1996, Electric Exchange, L.P. filed certain information as required by the Commission's May 3, 1995, order in Docket No. ER95–111–000.

On January 29, 1996, Westcoast Power Marketing, Inc. filed certain information as required by the Commission's April 20, 1995, order in Docket No. ER95–378–000.

On January 29, 1996, Rig Gas Inc. filed certain information as required by the Commission's March 16, 1995, order in Docket No. ER95–480–000.

On January 29, 1996, Southern Energy Marketing, Inc. filed certain information as required by the Commission's September 29, 1995, order in Docket No. ER95–976–000.

On January 29, 1996, NAP Trading and Marketing, Inc. filed certain information as required by the

Commission's October 25, 1995, order in Docket No. ER95–1278–000.

4. Southern Company Services, Inc.

[Docket No. ER96–307–000]

Take notice that on January 23, 1996, Southern Company Services, Inc. acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an amendment to its previous submittal concerning the Interchange Service Contract between Southern Companies and Sonat Power Marketing, Inc.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Southern Company Services, Inc.

[Docket No. ER96–339–000]

Take notice that on January 23, 1996, Southern Company Services, Inc. acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (Southern Companies), tendered for filing an amendment to its previous submittal concerning the Interchange Service Contract between Southern Companies and Koch Power Services, Inc.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Virginia Electric and Power Company

[Docket No. ER96–498–000]

Take notice that on January 26, 1996, Virginia Electric and Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. QST Energy Trading, Inc.

[Docket No. ER96–553–000]

Take notice that on January 25, 1996, QST Energy Trading, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. New England Power Company

[Docket No. ER96–579–000]

Take notice that on January 26, 1996, New England Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. IES Utilities Inc.

[Docket No. ER96–663–000]

Take notice that on January 29, 1996, IES Utilities Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Florida Power Company

[Docket No. ER96–845–000]

Take notice that on January 16, 1996, Florida Power Company tendered for filing an amendment to its Contract for Interchange Service between itself and Reedy Creek Improvement District which provides for the addition of one service schedule to the contract.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Potomac Electric Power Company

[Docket No. ER96–849–000]

Take notice that on January 17, 1996, Potomac Electric Power Company (Pepco), tendered for filing service agreements pursuant to Pepco FERC Electric Tariff, Original Volume No. 1, entered into between Pepco and Englehard Power Marketing, Inc., and GPU Service Corp. as agent for Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company. An effective date of January 1, 1996 for these service agreements, with waiver of notice, is requested.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Florida Power & Light Company

[Docket No. ER96–850–000]

Take notice that on January 17, 1996, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with Southern Company Services, Inc. for transmission service under FPL's Transmission Tariff No. 2 and FPL's Transmission Tariff No. 3. FPL requests that the proposed service agreements be permitted to become effective on January 22, 1996, or as soon thereafter as practicable. FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin)

[Docket No. ER96–851–000]

Take notice that on January 17, 1996, Northern States Power Company-Minnesota (NSP–M) and Northern States Power Company-Wisconsin (NSP–W) jointly tendered and request the Commission to accept two Transmission Service Agreements which provide for Limited and Interruptible Transmission Service to Howard Energy Company, Inc.

NSP requests that the Commission accept for filing the Transmission Service Agreements effective as of January 1, 1996. NSP requests a waiver of the Commission's notice requirements pursuant to Part 35 so the Agreements may be accepted for filing effective on the date requested.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Delmarva Power & Light Company

[Docket No. ER96–852–000]

Take notice that on January 17, 1996, Delmarva Power & Light Company (Delmarva) of Wilmington, Delaware, filed under the provisions of Rule 205 of the Federal Power Act an amendment to its settlement agreement with Berlin approved by the Commission on August 2, 1994. The amendment contains, among other things, a five-year power supply contract (the Service Agreement) under which Delmarva will provide requirements service to the Town of Berlin (Berlin). Delmarva states that the Service Agreement supersedes Delmarva's Rate Schedule No. 63 under which Berlin currently receives service.

Delmarva, with Berlin's concurrence, requests an effective date of February 1, 1996.

The Service Agreement provides for the continuation of the requirements service previously furnished Berlin under Rate Schedule No. 63, but changes certain terms and conditions. The chief differences between the Service Agreement and Rate Schedule No. 63 are that the Service Agreement establishes a new rate for Berlin which is below the level of the rate currently charged Berlin and provides for future adjustments to the Berlin rate based on changes in the level of Delmarva's retail rates. The Service Agreement has a five-year term.

Delmarva states that the filing has been posted and has been served upon the affected customer and the Maryland Public Service Commission.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. Oklahoma Gas and Electric Company

[Docket No. ER96–855–000]

Take notice that on January 18, 1996, Oklahoma Gas and Electric Company,

tendered for filing a proposed contract with the Southwestern Power Administration (Southwestern) which enables participation in the Southwest Power Pool reserve sharing program.

Copies of this filing have been sent to Southwestern, the Oklahoma Corporation Commission, and the Arkansas Public Service Commission.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–856–000]

Take notice that on January 18, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company tendered for filing a Service Agreement between GPU and Noram Energy Services, Inc.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice

17. The Washington Water Power Company

[Docket No. ER96–857–000]

Take notice that on January 18, 1996, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a signed service agreement under FERC Electric Tariff Volume No. 4 with NAP Trading and Marketing. Also submitted with this filing is a Certificate of Concurrence with respect to exchanges. WWP requests waiver of the prior notice requirement and requests an effective date of February 1, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

18. Northeast Utilities Service Company

[Docket No. ER96–858–000]

Take notice that on January 18, 1996, Northeast Utilities Service Company (NUSCO), on behalf of Western Massachusetts Electric Company (WMECO), tendered for filing a Third Amendment to Distribution and Transformation Agreement for service to New England Power Company (NEP). The rate schedule changes implement changes or additions to certain points of delivery to NEP.

NUSCO requests the Third Amendment be permitted to become effective on February 1, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

19. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–859–000]

Take notice that on January 18, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Operating Companies), filed an executed Service Agreement between GPU and KCS Power Marketing, Inc. (KCS), dated January 10, 1996. This Service Agreement specifies that KCS has agreed to the rates, terms and conditions of the GPU Operating Companies' 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 KCS to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of January 10, 1996 for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

20. Public Service Company of New Mexico

[Docket No. ER96–860–000]

Take notice that on January 18, 1996, Public Service Company of New Mexico (PNM) filed as amendments to the San Juan Project Operating Agreement (Operating Agreement): (1) a Consent and Acceptance of Voting Rights between Century Power Corporation (Century) and Tri-State Generation and Transmission Association, Inc. (Tri-State); and (2) a Letter, Acknowledgment and Agreement, and Acknowledgment among Tri-State, Tucson Electric Power Company (TEP) and PNM. These documents were executed in connection with the closing of Tri-State's purchase from Century of Century's remaining interest in Unit 3 of the San Juan Generating Station to reflect Tri-State's ownership in Unit 3.

PNM requests waiver of the Commission's notice requirements in order to allow the foregoing documents to be effective as of January 2, 1996, the date of the closing of the Century/Tri-State transaction.

Copies of the filing have been served upon TEP, Century, Tri-State and the New Mexico Public Utility Commission.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

21. Florida Power & Light Company

[Docket No. ER96–861–000]

Take notice that on January 18, 1996, Florida Power & Light Company (FPL), filed the Contract for Purchases and Sales of Power and Energy between FPL and K N Marketing, Inc. FPL requests an effective date of February 1, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

22. UtiliCorp United Inc.

[Docket No. ER96–862–000]

Take notice that on January 18, 1996, UtiliCorp United Inc. (UtiliCorp) filed a service agreement with Cenergy, Inc. for service under its interruptible open access transmission service tariff for its operating division, Missouri Public Service.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

23. UtiliCorp United Inc.

[Docket No. ER96–863–000]

Take notice that on January 18, 1996, UtiliCorp United Inc. (UtiliCorp), filed a service agreement with Industrial Energy Applications, Inc. for service under its interruptible upon access transmission service tariff for its operating division, Missouri Public Service.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

24. Florida Power Corporation

[Docket No. ER96–865–000]

Take notice that on January 19, 1996, Florida Power Corporation (Florida Power) tendered for filing service agreements providing for service to InterCoast Power Marketing Company pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective January 19, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

25. Florida Power Corporation

[Docket No. ER96–866–000]

Take notice that on January 19, 1996, Florida Power Corporation (Florida Power) tendered for filing service agreements providing for service to Western Gas Resources Power Marketing, Inc. pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective January 19, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

26. Florida Power Corporation

[Docket No. ER96–867–000]

Take notice that on January 19, 1996, Florida Power Corporation (Florida Power) tendered for filing service agreements providing for service to Citizens Lehman Power Sales pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective January 19, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

27. Florida Power Corporation

[Docket No. ER96–868–000]

Take notice that on January 19, 1996, Florida Power Corporation (Florida Power) tendered for filing service agreements providing for service to Engelhard Power Marketing, Inc. pursuant to its open access transmission tariff (the T–2 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreements to become effective January 19, 1996.

Comment date: February 15, 1996, in accordance with Standard Paragraph E at the end of this notice.

28. Allen F. Jacobson

[Docket No. ID–2936–000]

Take notice that on January 17, 1996, Allen F. Jacobson (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director—Northern States Power Company, a Minnesota corporation
Director—The Prudential Insurance Company of America

Comment date: February 16, 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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before 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. 96–2776 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP87–92–009]

Texas Eastern Transmission Corp.; Notice of Availability of Environmental Comments

February 5, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared environmental comments on the issues raised in Texas Eastern Transmission Corporation's (Texas Eastern) motion filed on March 16, 1995, requesting clarification of the Commission's June 7, 1989, Order approving the APEC Project (Order).

Specifically, Texas Eastern requests the Commission to clarify that the construction mitigation requirements in appendix F of the Order do not preclude Texas Eastern from clearing trees and other vegetation from the right-of-way near Winding Way in Belle Mead, Somerset County, New Jersey. Texas Eastern states that clearing is necessary to comply with the U.S. Department of Transportation's pipeline safety regulations, and to protect against third party damage to the pipeline.

The environmental comments assess the potential environmental effects of clearing and maintenance activities on the right-of-way near Winding Way. They have been placed in the public files of the FERC and are available for inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the environmental comments have been mailed to Federal and state pipeline safety agencies, and to the affected landowners.

A limited number of copies of the environmental comments are available from: Mr. Chris Zerby, Environmental Project Manager, Environmental Review and Compliance Branch I, Office of Pipeline Regulation, Room 72–55, 888 First Street, NE., Washington, DC 20426, (202) 208–0111.

Any person wishing to comment on the document may do so. Written comments must reference Docket No. CP87–92–009, and be addressed to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426.

Comments should be filed as soon as possible, but must be received no later than February 20, 1996, to ensure consideration prior to a Commission decision on this motion. A copy of any comments should also be sent to Mr. Chris Zerby, Environmental Project Manager, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by Section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about the environmental comments is available from Mr. Chris Zerby, Environmental Project Manager.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2767 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 2612–005, et al.]

Hydroelectric Applications [Central Maine Power Company, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* New License.
b. *Project No.:* 2612–005.
c. *Date filed:* December 28, 1995.
d. *Applicant:* Central Maine Power Company.
e. *Name of Project:* Flagstaff Hydroelectric Project.
f. *Location:* On the Dead River, in Somerset and Franklin Counties, Maine.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).
h. *Applicant Contact:* F. Allen Wiley, Central Maine Power Company, 41 Anthony Avenue, Augusta, ME 04330, (207) 621–4412.
i. *FERC Contact:* Mary C. Golato (202) 219–2804.
j. *Comment Date:* March 26, 1996.
k. *Description of Project:* The proposed project consists of an existing concrete dam 1,336 feet long and approximately 45 feet high; (2) an existing earthen dike; (3) an existing reservoir approximately 23 miles long, with a surface area of 17,950 acres, and a storage capacity of approximately 275,482 acre-feet; and (4) appurtenant facilities. The project was constructed and is operated as a water storage facility; therefore, the applicant is not proposing any new facilities. The applicant proposes to continue to operate and maintain the proposed project.
l. With this notice, we are initiating consultation with the *MAINE STATE HISTORIC PRESERVATION OFFICER (SHPO),* as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.
m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's Regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the issuance date of this notice and serve a copy of the request on the applicant.

2a. *Type of Application:* Declaration of Intention.
b. *Docket No:* DI95–5–000.
c. *Date Filed:* 09/15/95.
d. *Applicant:* Southern Energy, Inc.
e. *Name of Project:* Ten-mile.
f. *Location:* Unnamed stream, a tributary to Chilkat River, Ten-mile Haines Highway, Haines, Alaska (T. 30 S., R. 58 E., sec. 8, Copper River Meridian).
g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. §§ 817(b).
h. *Applicant Contact:* Darrell Maple, President, Lynn Canal Professional Services, P.O. Box 1163, Haines, AK 99827, (907) 766–3334.
i. *FERC Contact:* Diane M. Murray, (202) 219–2682.
j. *Comment Date:* March 20, 1996.
k. *Description of Project:* The proposed hydroelectric project would consist of: (1) An intake; (2) a 1,500 foot-long, 16-inch penstock; (3) a 350 kW generator; (4) a 7.5-mile-long transmission line; and (5) appurtenant facilities. The tailrace would empty into the unnamed stream approximately one-quarter mile upstream from the confluence with the Chilkat River.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.
l. *Purpose of Project:* Personal use and future plans include selling power to the existing public utility.
m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

3a. *Type of Application:* Declaration of Intention.
b. *Docket No.:* DI96–3–000.
c. *Date Filed:* January 18, 1996.
d. *Applicant:* Larry and Nancy Simonson.
e. *Name of Project:* Race Creek Hydro.
f. *Location:* West Branch Race Creek, tributary to Salmon River, in Adams County, one mile south of Riggins, Idaho (T. 25 N., R. 1 E., secs. 29, 30, and 32).
g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. § 817(b).
h. *Applicant Contact:* Larry Simonson, 14089 Morell Road, McCall, ID 83638, (208) 634–7074.
i. *FERC Contact:* Hank Ecton, (202) 219–2678.
j. *Comment Date:* March 20, 1996.
k. *Description of Project:* The proposed project will consist of: (1) An intake; (2) a 450-foot-long, 10-inch diameter pipeline; (3) a pelton-type turbine connected to a 46-kilowatt generator; and (4) appurtenant facilities. The nearest power source is more than 2 miles distance. The power generated will supply three residences.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.
l. *Purpose of Project:* Applicant intends to use all energy produced on-site, to supply power to three residences. No other power source is available for 2 miles.
m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

4a. *Type of Application:* New Major License.
b. *Project No.:* 2474–004.
c. *Date Filed:* December 4, 1991.
d. *Applicant:* Niagara Mohawk Power Corporation.
e. *Name of Project:* Oswego River Project.
f. *Location:* On the Oswego River in Oswego County, New York.
g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).
h. *Applicant Contact:* Mr. Jerry Sabattis, Hydro Licensing Coordinator, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 474–1511.
i. *FERC Contact:* John McEachern (202) 219–3056.
j. *Deadline Date:* See paragraph D10.
k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time.
l. *Description of Project:* The project as licensed consists of three generating facilities. Beginning with the most upstream, these are the Fulton Development, the Minetto Development, and the Varick Development. The existing features of each development are described below.

Fulton Development

The development is comprised of the following features: (1) a concrete buttress dam, totaling about 509 feet long, with a maximum height of 15 feet at a crest elevation of 334.0 feet mean sea level (msl), topped with 6-inch-high flashboards and including a gated concrete intake section, about 35 feet high by 41 feet long by 14 feet wide, having (a) three steel gates, measuring 8 feet high by 6.5 feet wide; (b) a forebay measuring 10 feet long by 40 feet wide; (c) perpendicular trashracks with ⅜-inch steel bars at 2½ inch openings for a total gross area of 538 square feet; (2) a concrete-steel with brick masonry powerhouse, about 55 feet high by 25 feet wide by 43 feet long, equipped with two vertical fixed-propeller turbine and synchronous generator combinations having (a) a total rated capacity of 1,250 kilowatts (kW); (b) an operating hydraulic capacity of 1,010 cubic feet per second (cfs); (c) a rated head of 17 feet; and (d) an average annual generation of 7,380 MWh; (3) an impoundment having (a) a surface area of about 33 acres (AC); (b) a 620 acre-feet (AF) gross storage capacity; (c) a useable storage capacity of 30 AF; and (d) a normal pool headwater elevation of 334.5 feet msl; (4) an existing bypass reach about 1,850 feet long; (5) a switchgear building, about 24 feet by 32 feet, housing the main controls for the units; and (6) appurtenant facilities.

Minetto Development

The development is comprised of the following features: (1) a concrete gravity dam, totaling about 500 feet long, with a maximum height of 22.5 feet at a crest elevation of 307.0 feet msl, consisting of a gated concrete intake section, about 40 feet high by 190 feet long, having (a) nine steel gates, measuring 9 feet high by 11 feet wide; and (b) perpendicular trashracks with ½-inch steel bars at 2½ inch openings for a total gross area of 2,891 square feet; (2) a concrete-steel with brick masonry powerhouse, about 77 feet high by 88 feet wide by 230 feet long, equipped with five vertical Francis turbine and General Electric generator combinations having (a) an existing total rated capacity of 8,000 kW, a total hydraulic capacity of 7,000 cfs, and an average annual generation of 31,800 MWh; and (b) a rated head of 17.5 feet; (3) an impoundment having (a) a surface area of about 350 AC; (b) a gross storage capacity of 4,730 AF; (c) a useable storage capacity of 290 AF; and (d) a normal pool headwater elevation of 307.8 msl; (4) a backwatered bypass reach extending about 820 feet; (5) a tailrace confined between lock structures and the shore and extending 475 feet; and (6) appurtenant facilities.

Varick Development

The development is comprised of the following features: (1) a masonry gravity dam, totaling about 730 feet long with a maximum height of 13 feet, consisting of (a) a curved section, measuring 480 feet long with a crest elevation of 267.5 feet msl, topped with ''stepped'' flashboards, which vary from the west to each in heights at each quarter of the section: 30 inches, 32 inches, 34 inches and 36 inches; (b) a straight section, measuring 250 feet long with a crest elevation of 268.5 msl, also topped with ''stepped'' flashboards, varying in heights of 10 inches; and (c) a gated section, about 189 feet long by 28 feet wide, with (i) 24 steel gates measuring 11 feet high by 6.25 feet wide, (ii) an unused minimum flow gate, (iii) a forebay measuring 950 feet long by 150 feet wide; (iv) perpendicular trashracks with ⅜-inch steel bars at 4-inch openings for a total gross area of 3,083 square feet; (2) a concrete and brick powerhouse, about 78 feet high by 66 feet wide by 271 feet long, equipped with four vertical fixed-blade turbine and synchronous generator combinations having (a) an existing total rated capacity of 8,800 kW, a total hydraulic capacity of 5,600 cfs, and an average annual generation of 35,000 MWh; and (b) a rated head of 19.6 feet; (3) an impoundment having (a) a surface area of about 32 AC; (b) 435 AF of gross storage capacity; (c) a useable storage capacity of 80 AF; and (d) a normal pool headwater elevation of 270.0 msl; (4) an existing bypass reach about 1,940 feet long; (5) an open tailrace with a 695-foot-long diversion wall built parallel to the river flow; and (6) appurtenant facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4 and D10.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., Room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 474–1511.

5a. *Type of Application:* Surrender of Exemption.

b. *Project No:* 8126–002.

c. *Date Filed:* January 16, 1996.

d. *Applicant:* USPower Corporation.

e. *Name of Project:* Piggy Back Project.

f. *Location:* Delaware River, Northampton County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 USC Section 791(a)–825(r).

h. *Applicant Contact:* Mr. Barry Solodky, Trustee in Bankruptcy, 28 Penn Square, Lancaster, Pennsylvania 17603, (717) 299–1100.

i. *FERC Contact:* Hillary Berlin, (202) 219–0038.

j. *Comment Date:* March 18, 1996.

k. *Description of Project:* This project consists of barge mounted paddle wheel units, which were removed from the Delaware River in 1994. The exemptee is in Chapter 11 bankruptcy and does not plan to reinstall the paddle wheel units.

l. *The notice also consists of the following standard paragraphs:* B, C1, and D2.

6a. *Type of Application:* Surrender of Exemption.

b. *Project No:* 9551–001.

c. *Date Filed:* January 16, 1996.

d. *Applicant:* USPower Corporation.

e. *Name of Project:* Piggy Back (Delaware) Project.

f. *Location:* Delaware River, in Warren County, New Jersey and Northampton County, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Section 791(a)–825(r).

h. *Applicant Contact:* Mr. Barry Solodky, Trustee in Bankruptcy, 28 Penn Square, Lancaster, Pennsylvania 17603, (717) 299–1100.

i. *FERC Contact:* Hillary Berlin, (202) 219–0038.

j. *Comment Date:* March 18, 1996.

k. *Description of Project:* This project consists of barge-mounted paddle wheel units, which were removed from the Delaware River in 1994. The exemptee is in Chapter 11 bankruptcy and does not plan to reinstall the paddle wheel units.

l. *The notice also consists of the following standard paragraphs:* B, C1, and D2.

7a. *Type of Application:* Lease Project Lands for Proposed Recreational Park.

b. *Project No:* 2146–074.

c. *Date Filed:* November 14, 1995.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Coosa River Hydroelectric Project.

f. *Location:* About 150 acres of land on the Weiss Reservoir just south of the City of Leesburg, Cherokee County, Alabama.

g. *Filed Pursuant to:* 18 CFR § 4.200.

h. *Applicant Contact:* Mr. Jim Crew, Alabama Power Company, 600 North

18th Street, P.O. Box 2641, Birmingham, AL 35291, (205) 250–4265.

i. *FERC Contact:* Steve Hocking (202) 219–2656.

j. *Comment Date:* March 4, 1996.

k. This notice was issued January 18, 1996 (61 FR 2814, January 29, 1996) with a comment date of February 23, 1996, and is being reissued with a new comment date: March 4, 1996.

l. *Description of Amendment:* Alabama Power Company, licensee for the Coosa River Hydroelectric Project, seeks Commission approval to grant a lease to the Town of Leesburg (Town) to build a recreational park on project lands. The proposed lease is for about 150 acres of land adjacent to the Weiss Reservoir just south of the Town. The proposed recreational park would eventually have the following facilities: a boat ramp, picnic area, bath house, amphitheater, camping area, playground, swimming area, hiking trails, a civic building, and parking areas.

m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

8a. *Type of Application:* Amendment to Revise Project Boundary.

b. *Project No:* 2105–035.

c. *Date Filed: 12/13/95.*

d. *Applicant:* Pacific Gas & Electric Company.

e. *Name of Project:* Upper North Fork Feather River.

f. *Location:* On the North Fork Feather River, near the town of Quincy, in Plumas County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Jeff Butler, Manager, Hydro Generation, Pacific Gas & Electric Company, Mail Code: N11C, P.O. Box 770000, San Francisco, CA 94177, (415) 973–5311.

i. *FERC Contact:* Mohamad Fayyad, (202) 219–2665.

j. *Comment Date:* March 4, 1996.

k. This notice was issued January 11, 1996 (61 FR 2813, January 29, 1996), with a comment date of February 20, 1996, and is being reissued with the following new comment date: March 4, 1996.

l. *Description of Amendment:* Licensee proposes to revise the boundary of the Upper North Fork Feather River Project, FERC No. 2105. The revision to project boundary would exclude a 30.84-acre portion of land adjacent to Lake Almanor. This land would be used by Chester Public Utility District for expansion of an existing wastewater treatment facility.

m. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

9a. *Type of Application:* Amendment of License.

b. *Project No.:* 4797–042, 043, 044.

c. *Date Filed:* November 14, 1995.

d. *Applicant:* Cogeneration Inc.

e. *Name of Project:* Auger Falls Project.

f. *Location:* Snake River Near the Town of Twin Falls, Idaho, in Twin Falls County.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. D. W. Block, J–U–B Engineers Inc., 800 Falls Avenue, Twin Falls, ID 83301, (208) 733–2414.

i. *FERC contact:* Steven A. Edmondson, (202) 219–2653.

j. *Comment date:* March 4, 1996.

k. *Description of Application:* The applicant proposes to amend the language in articles 404, 405, and 407 of the Commission issued license. This action is necessary to make the terms and conditions of the license consistent with the April 4, 1995, Consent Order Agreement between the licensee and the Idaho Department of Environmental Quality. The specific changes involve modifications to the current dissolved oxygen, water quality monitoring, and minimum flow requirements of articles 404, 405, and 407, respectively.

l. *This notice also consists of the following standard paragraphs:* B, C1, and D2.

Standard Paragraphs

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (April 1, 1996 for Project No. 2474–004). All reply comments must be filed with the Commission within 105 days from the date of this notice (May 14, 1996 for Project No. 2474–004).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone

number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: February 5, 1996, Washington, D.C.

Lois D. Cashell,

Secretary.

[FR Doc. 96–2844 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–152–000, et al.]

Riverside Pipeline Company, L.P., et al., Natural Gas Certificate Filings

February 1, 1996.

Take notice that the following filings have been made with the Commission:

1. Riverside Pipeline Company, L.P.

[Docket No. CP96–152–000]

Take notice that on January 23, 1996, Riverside Pipeline Company, L.P. (''Riverside''), 8325 Lenexa Drive, Suite 400, Lenexa, Kansas 66214, filed, pursuant to Section 7(c) of the Natural Gas Act (''NGA''), 15 U.S.C. § 717f(c), Part 157 of the Commission's Regulations, and the Commission's directive in *KansOk Partnership, et al.*, 73 FERC ¶ 61,160 (1995) (''November 2 Order''), an application for a certificate of public convenience and necessity authorizing the operation of certain pipeline facilities in Kansas, Oklahoma, and Missouri found to constitute an interstate pipeline system. The application includes proposed initial rates and a proposed FERC Gas Tariff setting forth terms and conditions of service in compliance with Order No. 636. In addition, Riverside requests (1) a blanket certificate authorizing unbundled firm and interruptible sales pursuant to Section 284.284 of the regulations, and (2) a blanket certificate authorizing certain construction and operation of facilities, sales arrangements, certificate amendments, and abandonments pursuant to Section 157.201, *et seq.* of the regulations.

Riverside states that, as required by the Commission's November 2 Order, it seeks a certificate under NGA Section 7 and Part 157 of the Commission's Regulations to operate the pipeline facilities now owned by Riverside, Kansas Pipeline Partnership (''Kansas Pipeline''), and KansOk Partnership (''KansOk'') on an integrated basis. Within 60 days following issuance of the requested certificate, Riverside states that all sales and transportation services currently provided by Kansas Pipeline and KansOk subject to state jurisdiction would be abandoned, all contracts currently held by Kansas Pipeline and KansOk would be assigned to Riverside, gas supply contracts would be assigned or terminated,[1] all pipeline and related facilities currently held by Kansas Pipeline and KansOk would be transferred to Riverside, and Riverside would commence unbundled service replacing the service previously provided by Kansas Pipeline, KansOk, and Riverside, all in accordance with the tariff proposed herein and the terms of Order No. 636.

Riverside requests the Commission to defer issuance of the certificate pending rehearing and judicial review of the November 2 Order, and to continue the Stay Order, stating that the actions it would be required to take to implement the certificate would destroy Kansas Pipeline and KansOk as they currently exist and are essentially irreversible.

Riverside states that no new construction is proposed by the Application. As proposed, sales services now being provided by Kansas Pipeline to its customers under KCC certificates will be unbundled in compliance with Order No. 636. Riverside will offer an equivalent level of transportation capacity to such customers. Small customers could elect to continue to purchase gas at a cost based rate for a one-year period under Rate Schedule SCS. Riverside also proposes to offer firm and interruptible sales on an unbundled basis at negotiated rates under Rate Schedule PS.

In conjunction with its application for a certificate to operate the combined facilities of Kansas Pipeline and KansOk, Riverside requests (1) a blanket certificate authorizing unbundled firm and interruptible sales pursuant to Section 284.284 of the regulations, and (2) a blanket certificate authorizing certain construction and operation of facilities, sales arrangements, certificate amendments, and abandonments pursuant to Section 157.201, *et seq.* of the regulations.

Riverside states that the rates set forth in Exhibit P are based on a straight fixed-variable (''SFV'') rate design methodology and a cost of service reflecting the combined facilities of Riverside, Kansas Pipeline, and KansOk. According to the Application, no mitigation measures are required since SFV rates were in effect on each of the pipelines even prior to consolidation. Expenses are based on the 12 months ended September 30, 1995, adjusted for known and measurable changes. Costs have been allocated to customers using billing determinants which assume a continuation of customers' existing firm contractual commitments. Riverside proposes zone rates which, it states, generally reflect the rate and contract service structure that existed prior to the November 2 Order. Riverside also proposes to retain capacity formerly held by KansOk under the terms of a lease with Transok Inc., an Oklahoma intrastate pipeline.

Riverside's derivation of initial rates set forth below is explained in greater detail in Exhibit P. Firm and interruptible transportation rates (exclusive of fuel, surcharges, and lost and unaccounted for gas) are set forth below:

	Zone 1	Zone 2	Zone 3
FT Reservation	$6.6817	$10.5405	$9.1499
FT Commodity	$0.0050	$0.0050	$0.0050
IT	$0.2247	$0.3515	$0.3058
SCT	$0.5542	$0.8714	$0.7571

Rates for each zone are additive; shippers traversing all three zones would pay the sum of the rates stated for Zones 1, 2, and 3. In the event the Commission does not authorize Riverside to retain leased capacity on Transok, Riverside states that the rates would be as follows:

	Zone 1	Zone 2	Zone 3
FT Reservation	$5.5315	$10.5405	$9.1499
FT Commodity	$0.0050	$0.0050	$0.0050
IT	$0.1869	$0.3515	$0.3058
SCT	$0.4597	$0.8714	$0.7571

Riverside also proposes procedures to recover, as transition costs, all costs associated with complying with Order

[1] Only those gas supply arrangements needed to support a small customer sales service would be retained.

No. 636 and the Commission's November 2 Order. These costs include (1) unrecovered purchased gas costs attributable to Kansas Pipeline's existing merchant function; (2) direct-bill costs previously authorized by the KCC; (3) expenses associated with reorganizing and consolidating the companies into a single entity; (4) costs of upgrading exist ing facilities to comply with Department of Transportation regulations applicable to interstate pipelines; (5) increased costs under the companies' debt instruments related to the change in regulatory status; (6) costs of reorganizing into a corporate form, if needed to maintain the tax allowances currently in rates; (7) buyout, buydown, contract reformation costs, and/or lost profits attributable to terminating Kansas Pipeline's merchant function; and (8) costs attributable to assigning or terminating KansOk's lease with Transok, Inc., if required. Riverside proposes to make limited NGA § 4 filings to recover these costs.

Comment date: Febraury 22, 1996, in accordance with Standard Paragraph F at the end of this notice.

2. Southern Natural Gas Company

[Docket No. CP96–153–000]

Take notice that on January 24, 1996, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP96–153–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct, install and operate certain pipeline, compression, measurement and related appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that in order to provide firm transportation services totaling 76,350 Mcf per day for five (5) customers, Southern requests authorization to construct, install and operate the following facilities: (i) 109.53 miles of 16-inch pipeline extending from its McConnells Compressor Station in Tuscaloosa County, Alabama, to a point of interconnection with the distribution system of the Huntsville Utilities Gas Section in Madison County, Alabama; (ii) 8.47 miles of 12-inch pipeline extending from approximately M.P. 105.19 on the 16-inch pipeline to a point of interconnection with the distribution system of Decatur Utilities in Morgan County, Alabama; (iii) one turbine compressor unit, ISO-rated at 4700 horsepower, at Southern's Providence Compressor Station in Tuscaloosa County, Alabama; (iv) one turbine compressor unit, ISO-rated at 1600 horsepower, at Southern's McConnells Compressor Station; and (v) one dual 8-inch meter station and appurtenant facilities, one dual 6-inch turbine meter station and appurtenant facilities, and one dual 3-inch meter station and appurtenant facilities.

Southern states further that the total cost of the proposed facilities is estimated to be $52.8 million.

Comment date: February 21, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company

[Docket No. CP96–157–000]

Take notice that on January 25, 1996, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124–1000, filed in Docket No. CP96–157–000 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 operate and upgrade an existing delivery point in Ashland County, Wisconsin, to accommodate deliveries of natural gas to Northern States Power—WI (NSP–WI), under Northern's blanket certificate issued in Docket No. CP82–401–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northern requests authorization to operate the Birch Hill Acres town border station (TBS) following an upgrade made under the emergency provisions of Part 284 of the Commission's Regulations. It is stated that the upgrade was made to provide emergency service to residential and commercial customers. Northern proposes to further upgrade the TBS in order to make additional deliveries requested by NSP–WI under currently effective service agreements. Northern proposes to deliver up to 208 MMBtu equivalent of natural gas on a peak day and 26,572 MMBtu equivalent on an annual basis. It is explained that these volumes will be the result of a realignment of existing firm entitlement contracted under Northern's throughput service agreements with TSP–WI. It is asserted that the deliveries made following the proposed upgrade will not exceed the total volumes authorized prior to the request. Northern estimates the construction cost for the upgrade at $66,000, for which Northern will be reimbursed by NSP–WI. It is further asserted that Northern's tariff does not prohibit such upgrades and that Northern has sufficient capacity to accomplish the deliveries without detriment or disadvantage to Northern's other customers.

Comment date: March 18, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. ANR Pipeline Company

[Docket No. CP96–158–000]

Take notice that on January 26, 1996, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP96–158–000 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 increase capacity of an existing interconnection between ANR and Continental Natural Gas, Inc. (CNG) in Beaver County, Oklahoma for delivery of natural gas to CNG under ANR's blanket certificate issued in Docket No. CP82–480–000 pursuant to Section 7 of the Natural Gas Act (NGA), all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR proposes to increase the capacity of an existing interconnection between ANR and CNG in Beaver County, Oklahoma for delivery of natural gas to CNG, and to operate this interconnection under Section 7(c) of the NGA. ANR received certification, pursuant to Section 157.211 of the Commission's Regulations under ANR's prior notice application in Docket No. CP96–6–000, to operate and deliver up to 6,000 Mcf of natural gas per day at the CNG ''A'' Station. ANR proposes to increase the maximum capacity of the CNG ''A'' Station to 10,000 Mcf per day from 6,000 Mcf per day. ANR states that it will not construct any facilities nor spend any money to increase the capacity of the CNG ''A'' Station. ANR states that, rather, CNG would install a larger meter on its current metering skid adjacent to the CNG ''A'' Station to increase the capacity to 10,000 Mcf per day. ANR states that it would continue to provide CNG with deliveries at CNG ''A'' Station under its Rate Schedule IT and that the volumes to be delivered would be within the certificated entitlements of the customer.

Comment date: March 18, 1996, in accordance with Standard Paragraph G at the end of this notice.

5. Transcontinental Gas Pipe Line Corporation

[Docket No. CP96–160–000]

Take notice that on January 29, 1996, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed a prior

notice request with the Commission in Docket No. CP96–160–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a new delivery point to serve Alabama Gas Corporation (Alagasco) in Choctaw County, Alabama, under Transco's blanket certificate issued in Docket No. CP82–426–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Transco proposes to install a new delivery point to serve Alagasco near Milepost 798.54 on Transco's mainline system in Choctaw County. Transco would install a four-inch tap on its 42-inch diameter Mainline ''D'' and another four-inch tap on its 42-inch diameter Mainline ''E'', as well as a meter station, at the proposed delivery point location. Transco states that it would deliver up to 3,000 Mcf per day on a firm or interruptible basis, and that it has sufficient delivery flexibility to accomplish these deliveries without detriment or disadvantage to Transco's other customers.

Transco states that it does not seek to alter the total firm or interruptible volumes authorized for delivery to Alagasco. Transco further states that its FERC Gas Tariff permits the addition of the proposed delivery point and would have no impact on Transco's peak day or annual deliveries.

Comment date: March 18, 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 § 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. 96–2774 Filed 2–8–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5420–1]

Request for Comments: Automobile Refinishing Solvent Use Survey (ARSUS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before April 9, 1996.

ADDRESSES: Air Pollution Prevention and Control Division (MD–62), Office of Research and Development, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Charles O. Mann, (919) 541–4593, Fax (919) 541–7891, E-mail mann.chuck@epamail.epa.gov

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which are the owners and operators of the facilities that are classified in any of the following SIC codes:

5511—Motor Vehicle Dealers (New and Used)
5521—Motor Vehicle Dealers (Used Only)
7532—Top, Body, and Upholstery Repair Shops and Paint Shops
7538—General Automotive Repair Shops
7539—General Automotive Repair Shops, Not Elsewhere Classified

Title: Automobile Refinishing Solvent Use Survey (ARSUS).

Abstract: This information collection is a voluntary one-time survey of automobile refinishers requested by the Emissions Characterization and Prevention Branch (ECPB) of the Environmental Protection Agency's (EPA) Air Pollution and Prevention Control Division (APPCD) to support the overall EPA program to investigate the emissions of ozone precursors both nationally and at the metropolitan level. Data collected are used to validate existing and proposed model-based estimates of emissions, develop statistically valid estimates of precursors usage in the auto refinishing industry, and investigate functional relationships between emissions and factors that may be useful predictors of emissions.

Automobile refinishers make extensive use of solvents in paints, in body fillers, and for clean-up both before and after repair operations. Most of these solvents evaporate after they are used. As volatile organic compounds (VOC) they are precursors in the formation of ground-level ozone. Paints used in automobile refinishing contain higher concentrations of the more reactive VOC than do other types of paint. In addition, there is a high degree of uncertainty in emissions estimates for automobile refinishing. National solvent usage estimates for the category range

from as low as 80,000 tons per year to as high as 286,000 tons per year. This uncertainty, more than a factor of 3.5, is largely due to the uncertainty in the use of thinning and cleanup solvents. It must also be noted that this uncertainty is at the national level. Additional uncertainty is introduced when a surrogate (such as population or accident statistics) is used to allocate national usage estimates to the local level.

Past automobile refinishing emission estimates are based on national production data, distribution to regions, States, and local areas on the basis of employment and population statistics. Solvent emissions from automobile refinishers are currently estimated using a per capita emission factor, which does not reflect the variability of emissions from different shops and may misrepresent emissions from this industry. The emission estimation method is used by State and local air pollution agencies in the development of air emission inventories.

The voluntary survey includes a national survey of auto body repair shops and local-area intensive surveys of 6 high-population areas. The survey instrument collects information on the quantity and types of materials used by the automobile refinishing facilities such as paints, primers, cleanup solvents, etc. In addition, information on the usage of these solvents is recorded by the survey. Usage includes details on when (time of day, day of week and season), how (spary booths, spray guns, etc.) and where (location of facilities) the solvents were used.

The national survey data are divided into two independent sets with probability proportional to population. One set is used to estimate model parameters (train the technique). The second set is used to develop a comparison variable (validating the technique or model for emission estimation) with an unbiased estimate of the difference between the model estimate and the true value.

Data are collected using a combined mail and telephone survey approach. Respondents are requested to complete on survey that requests information on the facility, type of automobile refinishing work conducted, solvent usage, temporal and activity variation on solvent usage, application equipment, solvent cleaning systems, air pollution control equipment, and local industry demographics. The telephone survey will prompt nonrespondents and clarify survey responses.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers of EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The public reporting and recordkeeping burden for this collection of information is estimated to average 47 minutes per response. The survey is a one-time data collection. The survey includes 5,900 field samples. An estimated 4,500 survey responses are expected. Since we anticipate that respondents will use existing records and equipment to respond to the survey, no capital or start-up cost burdens are expected.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: January 31, 1996.

Chalres O. Mann,

Chief, Emissions Characterization and Prevention Branch.

[FR Doc. 96–2919 Filed 2–8–95; 8:45 am]

BILLING CODE 6560–50–M

(ER–FRL–5413–4)

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 January 29, 1996 Through February 02, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960047, Final EIS, AFS, NV, Dash Open Pit and Underground Mining Project, Implementation, Expanding existing Gold Mining Operations at the Jerritt Canyon Project, Plan of Operation Approval and COE Section 404 Permit, Humboldt Toiyabe National Forest, Independence Mountain Range, Elko County, NV, Due: March 11, 1996, Contact: Mary Beth Mark (702) 738–5171.

EIS No. 960048, Final EIS, NPS, MI, Beaver Basin Rim Road Project, Construction between Legion Lake and the Twelvemile Beach, Pictured Rocks National Lake Shore, Alger County, MI, Due: March 11, 1996, Contact: Jill Medland (402) 221–3455.

EIS No. 960049, Final EIS, FHW, FL, FL–312 Extension Project, Construction, FL–207 to US 1/FL–5 north of the City of St. Augustine, Funding, Right-of-Way Permit, COE Section 404 and NPDES Permits, St. John County, FL, Due: March 11, 1996, Contact: J. R. Skinner (904) 942–9582.

EIS No. 960050, Draft EIS, FDA, NY, U.S. Food and Drug Administration, Construction of Regional Office and Laboratory, Site Specific, Jamaica Site, Queen County, NY, Due: May 01, 1996, Contact: Peter A. Sneed (212) 264–3581.

EIS No. 960051, Final EIS, FHW, PA, PA–0322 (Section B01) Transportation Corridor, Improvements from PA–0655 to Mt. Pleasant, Funding and COE Section 404 Permit, Mifflin County, PA, Due: March 11, 1996, Contact: Manuel A. Mark (717) 782–3461.

EIS No. 960052, Final EIS, BLM, OR, Bal'diyaka Interpretive Center Construction and Operation to Present the Natural History of Oregon's Southern Coast; the Cultural Heritage of the Coos, Lower Umpqua and Siuslaw Indians and Local US Coast Guard History, Implementation, Coos Bay District, Gregory Point, Coos County, OR, Due: March 11, 1996, Contact: Daryl Albiston (541) 756–0100.

EIS No. 960053, Draft EIS, FHW, MO, US 65 Corridor, Construction

Carollton to Marshall, Funding, COE Section 404 Permit and US Coast Guard Permit, Carroll, Lafeyette and Saline Counties, MO, Due: April 08, 1996, Contact: Don Neumann (573) 636–7104.

EIS No. 960054, Draft EIS, IBR, CA, American River Water Resources Investigation, Implementation, Placer, Sutter, El Dorado, Sacramento and San Joaquin Counties, CA, Due: May 03, 1996, Contact: Al Candlish (916) 967–7692.

EIS No. 960055, Final EIS, AFS, AK, Shamrock Timber Sales, Timber Harvesting and Road Construction, Stikine Area, Kupreanof Island, Tongass National Forest, Implementation, AK, Due: March 11, 1996, Contact: Jim Thompson (907) 772–3871.

EIS No. 960056, Final EIS, AFS, CO, Telluride Ski Area Expansion Project, Implementation, Special-Use-Permit and COE Section 404 Permit, Grand Mesa Uncompahgre and Gunnison National Forests, Norwood Ranger District, San Miguel County, CO, Due: March 11, 1996, Contact: Jeff Burch (970) 874–7691.

EIS No. 960057, Final EIS, IBR, WA, ND, OR, ID, NV, MT, SD, WY, NB, UT, CO, CA, NM, OK, KS, AZ, TX, Acreage Limitation and Water Conservation Rules and Regulations, Revised and/or New Rules for Replacement and Expansion of Existing Rules pertaining to the Administration of the Reclamation Reform Act of 1982, Implementation in Seventeen Western States, Due: March 11, 1996, Contact: Ronald J. Schuster (303) 236–9336.

EIS No. 960058, Draft EIS, NRC, UT, Atlas Site Reclamation Project, License Amendment Request for existing License No. SUA–917 along the Colorado River near Moab, UT, Due: March 25, 1996, Contact: Joseph Holonich (301) 415–6643.

Amended Notices

EIS No. 950431, Draft EIS, DOE, Programmatic EIS—Waste Management, Managing Treatment, Storage and/or Disposal of Radioactive and Hazardous Waste for Five Types of Waste: Low-Level Radioactive; Low-Level Mixed; Transuranic Radioactive; High-Level Radioactive and Hazardous Waste, Sites Selection Around the United States, Due: February 19, 1996, Contact: David Hoel (202) 586–3977. Published FR 09–22–95—Review Period Extended.

EIS No. 950463, Draft Supplement, FHW, KS, South Lawrence Trafficway Contruction, Kansas Turnpike'I–70 to KS–10/Noria Road, New Information concerning KS–10 on the East and US 59 on the West, Funding, COE Section 404 Permit and Right-of-Way Acquisition, Douglass County, KS, Due: March 06, 1996, Contact: Mark Sehr (913) 267–7284. Published FR 10–20–95—Review Period Extended.

EIS No. 950556, Draft EIS, AFS, WA, Snoqualmie Pass Adaptive Management Area Plan, Implementation, Wenatchee and Mt. Bake-Snoqualmie National Forest, Cle Elum and North Bend Ranger Districts, Kittitas and King Counties, WA, Due: February 29, 1996, Contact: Floyd Rogalski (509) 674–4411. Published FR 12–08–95—Review Period Extended.

EIS No. 950587, Final EIS, BLM, WY, Jackpot Underground Uranium Mine Project, Construction and Operation, Plan of Operation Approval, NPDES Permit and COE Section 404 Permit, Fremont and Sweetwater Counties, WY, Due: March 01, 1996, Contact: Larry Kmoch (307) 328–3208. Published FR—01–26–96—Review Period Extended.

EIS No. 950603, Draft EIS, AFS, CA, Snowcreek Golf Course Expansion, Construction and Operation, Special Use Permit, Inyo National Forest System Lands, Mono County, CA, Due: March 12, 1996, Contact: Robert Hawkins (619) 873–2400. Published FR—01–26–96—Review Period Extended.

EIS No. 950604, Final EIS, FHW, WA, Elliott Bridge No. 3166 Replacement, from WA–169 (Renton-Maple Valley Highway) across the bridge to the intersection of 154th Place S. E., Funding, U.S. CGD Bridge Permit and Section 404 Permit, Cedar River, City of Renton, King County, WA, Due: January 29, 1996, Contact: Gene Fong (206) 753–2120. Published FR—01–26–96—Correction of CEQ Accession Number.

EIS No. 960020, Draft EIS, MMS, AK, 1997 Outer Continental Shelf Oil and Gas Lease Sale 158, Yakutat Planning Area, Implementation, Gulf of Alaska, AK, Due: April 25, 1996, Contact: George Valiulis (703) 787–1662. Published FR—01–26–96—Correction of Comment Due Date.

EIS No. 960025, Draft EIS, AFS, AK, Port Houghton/Cape Fanshaw Timber Harvest Sale Project, Implementation, Tongass National Forest, Chatham and Stikine Areas, South of Juneau, AK, Due: March 18, 1996, Contact: Dave Cottrell (907) 772–3841. Published FR—02–02–96 Correction of Comment Due Date.

EIS No. 960027, Draft Supplement, FHW, SC, Mark Clark Expressway (Charleston Inner Belt Freeway) Updated Information, Construction between SC–7 Sam Rittenberg Boulevard and SC–171 Folly Road, Stone River, U.S. Coast Guard Permit and COE Section 10 and 404 Permits, Charleston County, SC, Contact: Kenneth Myers (803) 253–3881. Published FR—02–02–96—Inadvertently Published in the 02–02–96 Federal Register. The EIS was filed 9–11–95 and appeared in the 9–22–95 Federal Register. The Comment Period Ended on 11–06–95. The CEQ Accession Number for the Correct EIS is 950423.

EIS No. 960034, Draft Supplement, COE, FL, Central and Southern Florida Flood Control Project, Restoration of the Upper Kissimmee River Basin through the Headwater Revitalization Project and the Lower Kissimmee River Basin through the Level II Backfilling Plan, Implementation, Updated Information, Glades, Osceda Highlands, Polk, Okeechobee and Orange Counties, FL, Due: March 18, 1996, Contact: Michael A. Smith (904) 232–3506. Published—FR 02–02–96—Correction of EIS Status and Comment Due Date.

Dated: February 06, 1996.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–2906 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5419–9]

Effluent Trading in Watersheds Policy Statement

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent.

SUMMARY: EPA's Assistant Administrator for Water, Assistant Administrator for Enforcement and Compliance and Assurance and General Counsel hereby give notice of an Effluent Trading in Watersheds Policy Statement. This Policy Statement is a result of President Clinton's ''Reinventing Environmental Regulation'' (March, 1995), which listed effluent trading in watersheds as one of the twenty-five high priority action items. The Policy Statement discusses the benefits of trading, presents an explanation of different types of effluent trading, and outlines how EPA will encourage trading.

DATES: This action is effective February 9, 1996.

ADDRESSES: Environmental Protection Agency, Office of Water (4102), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mahesh Podar, Director, Policy and Budget Staff, Office of Water, at the address given above; telephone 202/260–7818; Email address podar.mahesh@epamail.epa.gov@in. The Policy Statement may also be accessed on the EPA Office of Water Home Page on the Internet at the following address: http://www.epa.gov/OWOW.

SUPPLEMENTARY INFORMATION:

Authority: Clean Water Act, 33 U.S.C. 1251 et. seq.

Robert Perciasepe,

Assistant Administrator for Water.

Effluent Trading in Watersheds Policy Statement

Purpose

In response to President Clinton's Reinventing Environmental Regulation (March 1995), EPA strongly promotes the use of effluent trading to achieve water quality objectives and standards. This statement communicates EPA's policy on effluent trading in watersheds, discusses the benefits of trading, presents an explanation of several types of effluent trading, and outlines how EPA will be encouraging trading. This policy is Agency guidance only and does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the law and regulations on the basis of specific facts when permits are issued.

Policy

EPA will actively support and promote effluent trading within watersheds to achieve water quality objectives, including water quality standards, to the extent authorized by the Clean Water Act and implementing regulations. EPA will work cooperatively with key stakeholders to find sensible, innovative ways to meet water quality standards quicker and at less overall cost than with traditional approaches alone. EPA will assure that effluent trades are implemented responsibly so that environmental progress is enhanced, not hindered.

Benefits

EPA's support of watershed-based trading is anchored to a strong commitment to achieve and maintain water quality standards. EPA believes that trading is an innovative way for community stakeholders (e.g., regulated sources, non-regulated sources, regulatory agencies and the public) to develop more ''common sense'' solutions to water quality problems in their watersheds. Effluent trading potentially offers a number of economic, environmental and social benefits:

Economic Benefits:

—Reduces costs for individual sources contributing to water quality problems.

—Allows dischargers to take advantage of economies of scale and treatment efficiencies that vary from source to source.

—Reduces overall cost of addressing water quality problems in the watershed.

Environmental Benefits:

—Achieves equal or greater reduction of pollution for the same or less cost.

—Creates an economic incentive for dischargers to go beyond minimum pollution reduction and also encourages pollution prevention and the use of innovative technologies.

—Can reduce cumulative pollutant loading, improve water quality, accommodate growth and prevent future environmental degradation.

—Can address the broader environmental goals within a trading area, e.g., ecosystem protection, ecological restoration, improved wildlife habitat, endangered species protection, etc.

Social Benefits:

—Encourages dialogue among stakeholders and fosters concerted and holistic solutions for watersheds with multiple sources of water quality impairment.

Explanation of Different Types of Effluent Trading

Trading supplements the current regulatory approach. It is a method to attain and/or maintain water quality standards, by allowing sources of pollution to achieve pollutant reductions through substituting a cost-effective and enforceable mix of controls on other sources of discharge. As the Agency improves its understanding of the opportunities afforded by watershed-based decision making, EPA will provide information for additional forms of trading.

To take advantage of trading, a point source must be in compliance, and remain in compliance, with applicable technology-based limits. Intra-plant trades must also have a technology-based floor, while the technology floor for pretreatment trading is determined by the categorical standards. EPA expects that most trades will be covered by Total Maximum Daily Loads (TMDL) or similar watershed-based analysis.[1]

The items to be traded are the pollutant reductions or water quality improvements sought. Under trading, a source that can more cost-effectively achieve greater pollutant reduction than is otherwise required would be able to sell or barter the credits for its excess reduction to another source unable to reduce its own pollutants as cheaply. To ensure that water quality standards are met throughout a watershed, an equivalent or better water pollutant reduction would need to result from a trade. Below are proposed definitions for several different types of effluent trading approaches. These definitions are preliminary and do not reflect the full range of feasible trades:

Intra-Plant Trading: A point source is allocated pollutant discharges among its outfalls in a cost-effective manner, provided that the combined permitted discharge with trading is no greater than the combined permitted discharge without trading in the watershed.

Pretreatment Trading: An indirect industrial point source(s) that discharges to a publicly owned treatment works arranges, through the local control authority, for additional control by other indirect point sources beyond the minimum requirements in lieu of upgrading its own treatment for an equivalent level of reduction.

Point/Point Source Trading: A point source(s) arranges for other point source(s) in a watershed to undertake greater than required control in lieu of upgrading its own treatment beyond the minimum technology-based treatment requirements in order to more cost-effectively achieve water quality standards.

Point/Nonpoint Source Trading: A point source(s) arranges for control of nonpoint source discharge(s) in a watershed in lieu of upgrading its own treatment beyond the minimum technology-based treatment requirements in order to more cost-effectively achieve water quality standards.

Nonpoint/Nonpoint Source Trading: A nonpoint source(s) arranges for more cost-effective control of other nonpoint sources in a watershed in lieu of installing or upgrading its own control.

[1] A TMDL provides the water quality analysis and planning process for determining the specific pollution reduction that are necessary to attain or maintain water quality standards. Under section 303(d) of the CWA, States establish TMDLs for impaired waters. The TMDL process includes legal requirements for public participation and implementation through NPDES permits.

How EPA Will Be Encouraging Trading

EPA is developing a framework for watershed-based effluent trading, as well as information exchange workshops, and limited technical assistance for trading projects in specific areas. Watershed-based trading will be implemented on a voluntary basis under existing Clean Water Act (CWA) authorities. There will be substantial public outreach effort to obtain stakeholders' recommendations and insights on draft portions of the framework prior to implementation.

Finally, while EPA believes that the potential of trading is largely untapped, the usefulness of trading will depend on the site-specific water quality conditions in any given situation. The framework will describe situations which EPA believes are most appropriate for watershed-based trading, and those that are generally inappropriate.

EPA plans to distribute a draft trading framework in February, 1996 and hold a series of stakeholder meetings. For more information call Mahesh Podar at (202)260–7818, fax (202)401–3372 or send an Email message to herzi.hawa@epamail.epa.gov or tuano.theresa@epamail.epa.gov.

Experience to Date

Trading is being explored, developed or implemented in a number of watersheds throughout the country. Some examples are below:

Project/Location	Focus	Type of trading
Fox River, WI	BOD, nutrients	Point/point.
Dillon Reservoir, CO	Phosphorus	Point/nonpoint; nonpoint/nonpoint.
Boulder Creek, CO	Ammonia, nutrients	Point/nonpoint.
Tar-Pamlico, NC	Nitrogen, phosphorus	Point/nonpoint.
Arkansas Nature Conservancy	Wetlands	Nonpoint/nonpoint.
Maryland Nontidal Wetlands	Wetlands	Nonpoint/nonpoint.
Iron and Steel	BOD, TSS, zinc, and lead	Intra-plant.
Rhode Island electroplaters	Metals	Pretreatment.
Chehalis River Basin, WA	BOD	Point/nonpoint.
Boone Reservoir, TN	Nutrients	Point/nonpoint.
Wicomico River, MD	Phosphorus	Point/nonpoint.
Honey Creek Watershed, OH	Phosphorus	Point/nonpoint.
South San Francisco Bay, CA	Copper	Point/point.
Long Island Sound, NY	Dissolved oxygen	Point/nonpoint.
Cherry Creek, CO	Phosphorus	Point/nonpoint; point/point.
Tampa Bay, FL	Nitrogen, TSS	Point/point; point/nonpoint; nonpoint/nonpoint.
Chatfield Basin, CO	Phosphorus	Point/nonpoint.

[FR Doc. 96–2920 Filed 2–8–96; 8:45 am]
BILLING CODE 6560–50–P

[FRL–5419–4]

Underground Injection Control Program Hazardous Waste Disposal Injection Restrictions Petition for Exemption—Class I Hazardous Waste Injection Cab-O-Sil Division, Cabot Corporation, Tuscola, Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of reissuance of exemption from land disposal restrictions.

SUMMARY: Notice is hereby given by the USEPA that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments (HSWA) to the Resource Conservation and Recovery Act (RCRA) has been reissued to Cab-O-Sil Division, Cabot Corporation (Cabot), of Tuscola, Illinois, for continued use of Wells No. 1 and 2 and addition of Well No. 3 to inject enumerated restricted wastes into geological reservoirs. As required by 40 CFR Part 148, Cabot has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the initiation of underground injection by Cabot of specific restricted hazardous wastes, including hydrochloric acid and wastewaters contaminated with hydrochloric acid which are hazardous because they are corrosive (Waste Code D002), a multi-source leachate (Waste Code F039) contaminated with small amounts of 1,1-dichloroethylene, 1,2-dichloroethylene, methylene chloride, phenol, tetrachloroethylene, and trichloroethylene from a closed waste storage impoundment, and low concentrations of residual, spent acetone (Waste Code F003) rinsed from laboratory glassware cleaned with solvent, into a Class I hazardous waste injection well, specifically identified as Well No. 3, at the Tuscola facility. The reissuance also incorporates conclusions based on geological data gathered during construction of that well and contained in the petition for reissuance dated August 16, 1995, into the Administrative Record of the decision to grant Cabot Corporation an exemption from the Land Disposal Restrictions. This decision constitutes a final USEPA action for which there is no administrative appeal.

Background

Cabot submitted a petition on April 14, 1988, requesting exemption for its two injection wells, Well No. 1 and Well No. 2, located near Tuscola, Illinois, from the land disposal restrictions for corrosive hazardous wastes (Waste Code D002) which became effective on August 8, 1990. After reviewing the petition and additional submissions of information, the USEPA determined that the geological setting at the site as well as the construction and operation of Well No. 2 is adequate to prevent fluid migration out of the injection zone within 10,000 years, as required under 40 CFR Part 148. A three-month extension of the facility's ban date was required because the requirements for finalizing the decsion to grant an exemption could not be completed before the ban date. The exemption for Well No. 2 was issued on November 6, 1990.

Because of problems which included loss of mechanical integrity of Well No. 1 at the time the exemption was granted, it was not included in the exemption. The well was repaired, and mechanical integrity tests, demonstrations showing an absence of leaks in the tubing and casings or cement seal at the top of the injection zone, were completed on

November 21, 1990. The results were submitted on December 17, 1990. The demonstrations of mechanical integrity were accepted and Cabot's exemption was extended to include operation of Well No. 1 on February 4, 1991. On August 18, 1994, Cabot requested addition of Waste Code F039, multi-source leachate recovered as purge water from on-site monitoring wells, to the list of exempted wastes. This petition was reviewed and determined to be nonsubstantive, and the changed requested was acknowledged on November 4, 1994.

Because of problems of capacity to inject the entire waste stream through Well No 1. at times when Well No. 2 is unavailable and concerns about the maintenance of mechanical integrity of Well No. 1, Cabot petitioned for reissuance of the exemption to include newly drilled Well No. 3 and to add information which confirms the conservative nature of the parameter values used to simulate waste migration through the 10,000 year post closure period.

The USEPA reviewed information concerning the mechanical integrity of each well, evaluated the conclusions and data on which they are based, and has determined that conclusions are based on valid interpretations of measured data and show that the model used to simulate waste migration is conservative and meets all requirements specified in 40 CFR Part 148.

A Federal Register notice describing the basis of the decision was published on November 28, 1995, at 60 FR 58623 et seq. A public notice of the proposed decision was published in local papers on December 5, 1995, pursuant to 40 CFR 124.10. A public hearing was tentatively scheduled, but not held due to lack of public interest in the decision. The public comment period expired on January 19, 1996. Two comment letters were received, and after considering all comments, the USEPA has determined that its reasons for granting the exemption as set forth in the proposed decison remain valid; accordingly, the exemption is reissued with specific conditions listed in this notice. A responsiveness summary has been prepared for distribution to all commentors.

CONDITIONS: For this exemption to be effective, Cabot must meet the following conditions:

(1) The monthly average injection rate must not exceed 400 gallons per minute;

(2) The concentrations of the constituents included in the injected leachate will not exceed the amounts listed as proposed maximum allowable concentrations in Table 8–6 in the 1988 petition document;

(3) Direct injection shall occur only into the Franconia, Potosi, and Eminence Dolomites and the Gunter Sandstone;

(4) The injection zone shall consist of the Franconia, Potosi, Eminence, and Oneota Dolomites and the Gunter Sandstone, found between the 5,400 and 4,442 foot depths in Cabot's Well No. 2; and

(5) Cabot must be in full compliance with all conditions of its permits and other conditions relating to the exemption found in 40 CFR Parts 148.23 and 148.24.

DATE: This action is effective as of January 22, 1996.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish, Lead Petition Reviewer, USEPA, Region 5, telephone (312) 886–2939. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

Rebecca L Harvey,

Acting Director, Water Division.

[FR Doc. 96–2918 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5420–7]

Notice of National Environmental Education Advisory Council Monthly Conference Calls

Notice is hereby given that the National Environmental Education Advisory Council will hold regularly scheduled monthly conference calls on the second Thursday of each month from 3:00 to 4:00pm eastern time. The Council was established under section 9 of the National Environmental Education Act (the Act) to provide advice and recommendations to EPA on EPA's implementation of the Act. The Council includes representatives from schools, universities, states, nonprofit organizations, and the private sector.

Conference calls in which the Council will provide EPA with advice or recommendations will be accessible to the public as provided for under section 10(a)(1) of the Federal Advisory Committee Act (FACA). However, conference calls in which the Council will solely gather information or analyze issues and facts that will be deliberated at a later date by the Council during an open public forum will not be accessible to the public (per exemption under section 101–6.1004(k) of the General Service Administration's final rule on FACA committee management).

To obtain information on the Council or their conference calls, please contact Kathleen MacKinnon, Environmental Education Division (1707), Office of Communications, Education, and Public Affairs, U.S. EPA, 401 M Street, SW., Washington, DC 20460, 202–260–4951.

Dated: December 7, 1995.

Denise Graveline,

Deputy Associate Administrator, Office of Communications, Education, and Public Affairs.

[FR Doc. 96–2914 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5419–5]

Tonolli Corporation de Minimis Settlements; Proposed Administrative Settlements Under the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: United States Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into an amendment to the Tonolli Corporation first *de minimis* settlement and an amendment to the second *de minimis* settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. 9622(g)(4). The proposed amendment to the first *de minimis* settlement is intended to resolve the liabilities under CERCLA of 9 *de minimis* parties for response costs incurred by the United States Environmental Protection Agency at the Tonolli Corporation Site, Nesquehoning, Pennsylvania. The proposed amendment to the second *de minimis* is intended to resolve the liability of 1 party for response costs incurred by the United States Environmental Protection Agency at the Tonolli Corporation Site.

DATES: Comments must be provided on or before March 11, 1996.

ADDRESSES: Comments should be addressed to the Docket Clerk, United States Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, and should refer to: In Re: Tonolli Corporation Site, Nesquehoning, Pennsylvania U.S. EPA Docket No. III–92–35–DC and EPA Docket No. III–93–03–DC.

FOR FURTHER INFORMATION CONTACT: Lydia Isales (215) 597–9951, United States Environmental Protection

Agency, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107.

SUPPLEMENTARY INFORMATION:

Notice of De Minimis Settlement

In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of proposed amendments to the Tonolli first and second *de minimis* administrative settlements concerning the Tonolli Corporation Site in Nesquehoning, Pennsylvania. The amendments to the administrative settlements were signed by the United States Environmental Protection Agency, Region III's Acting Regional Administrator. Given that the amendment to the Tonolli first *de minimis* administrative settlement includes settlement with three new parties, and re-settles with two prior signatories based on ability to pay, the amendment is subject to review by the public pursuant to this Notice. Given that the amendment to the Tonolli second *de minimis* settlement addresses re-settling with a prior signatory based on ability to pay, the amendment is subject to review by the public pursuant to this Notice. The agreements are also subject to the approval of the Attorney General, United States Department of Justice or her designee. Below are listed the parties who have executed binding certifications of their consent to participate in the amendment to the Tonolli first *de minimis* settlement:

Altoona Iron & Metal
Atlantic Battery Corporation
Buckeye Metals Corp.
General Metals and Smelting Company
Lexa Metal Corp.
Stump's Scrap Yard
Trojan Battery Company
U.S. Auto Radiator Manufacturer Co.
Vincent Pace Scrap Metals, Inc.

These 9 parties collectively agreed to pay $153,157.27 towards costs expended by EPA at the Tonolli Corporation Site, in addition to payment of a total of $12,750.00 in stipulated penalties by two of the parties.

Four of the *de minimis* parties to the amendment to the first *de minimis* settlement listed above, who had initially signed the first *de minimis* settlement, will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the Tonolli Corporation Site, and an appropriate premium in accordance with Agency policy (Atlantic Battery Corporation, Buckeye Metals Corp., General Metals and Smelting Company, U.S. Auto Radiator Manufacturer Co.). The other two *de minimis* parties who had initially signed the first *de minimis* settlement are paying a lesser amount than their volumetric share, based on ability to pay (Lexa Metal Corp., Stump's Scrap Yard). Three of the nine *de minimis* parties listed above who were not originally signatories to the first *de minimis* settlement are now settling. One party is required to pay its volumetric share of the Government's past response costs and the estimated future response costs and an appropriate premium in accordance with Agency policy at the Tonolli Corporation Site (Trojan Battery Company). The other two new parties are paying a lesser amount than their volumetric share, based on ability to pay (Altoona Iron & Metal, Vincent Pace Scrap Metals, Inc.).

Bethlehem Motors is the party that has executed a binding certification of its consent to participate in the amendment to the Tonolli second *de minimis* settlement. Bethlehem Motors was originally a signatory to the second *de minimis* settlement, but it was unable to pay its volumetric share of response costs. Consequently, EPA is re-settling with Bethlehem Motors for $1.00 based on its ability to pay.

These agreements are subject to the contingency that the Environmental Protection Agency may elect not to complete the settlements based on matters brought to its attention during the public comment period established by this Notice.

EPA is entering into these agreements under the authority of Sections 122(g) and 107 of CERCLA, 42 U.S.C. 9622(g) and 9607. Section 122(g) of CERCLA, 42 U.S.C. 9622(g), authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities under, inter alia, Section 107 of CERCLA, 42 U.S.C. § 9607, to reimburse the United States for response costs incurred in cleaning up Superfund sites without incurring substantial transaction costs. Under this authority the Environmental Protection Agency proposes to settle with potentially responsible parties at the Tonolli Corporation Site who are responsible for less than 1% percent of the volume of hazardous substances at the Site.

The Environmental Protection Agency will receive written comments to these proposed amendments to administrative settlements for thirty (30) days from the date of publication of this Notice. A copy of the proposed amendments to Administrative Orders on Consent III–92–35–DC and III–93–03–DC can be obtained from the Environmental Protection Agency, Region III, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107 by contacting Lydia Isales, Senior Assistant Regional Counsel, at (215) 597–9951.

W.T. Wisniewski,

Acting Regional Administrator, EPA, Region III.

[FR Doc. 96–2916 Filed 2–8–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

February 5, 1996.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Pub. L. 96–511. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0298.

Expiration Date: 07/31/97.

Title: Tariffs (Other Than Tariff Review Plan)—Part 61.

Estimated Annual Burden: 972,423 total annual hours; average 203 hours per respondent; 2,000 respondents.

Description: Part 61 rules are designed to ensure that all tariffs filed by common carriers are formally sound, well organized, and provide the Commission and the public with sufficient information to determine the justness and reasonableness as required by the Act. The Commission modified Part 61 to implement a separate basket for local exchange carriers (LECs) providing video dialtone service. Video dialtone service differs sufficiently from basic telephone services in the other price cap baskets to warrant the creation of its own basket. The tariffs and cost support information will be used by the FCC staff to ensure that the tariff rates to be paid for basic video dialtone services are just, reasonable, and nondiscriminatory, as Sections 201 and 202 of the Communications Act require.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–2841 Filed 2–8–96; 8:45 am]

BILLING CODE 6712–01–F

[CC Docket No. 90–571; DA 95–2475]

Telecommunications Relay Services; FCC Form 431

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that in an Order on Telecommunications Relay Services and the Americans with Disabilities Act of 1990 (Order), CC Docket No. 90–571, the Commission calculated the contribution factor for the period April 26, 1996 through March 26, 1997 for the Telecommunications Relay Services (TRS) Fund, and approved the TRS payment formula for the 1996 calendar year. In addition, the Commission adopted the 1996 TRS Fund Worksheet, FCC Form 431, subject to approval by the Office of Management and Budget (OMB).

FOR FURTHER INFORMATION CONTACT: Pamela Gerr, Network Services Division, Common Carrier Bureau, (202) 418–2357, or James Lande, Industry Analysis Division, Common Carrier Bureau, (202) 418–0948.

SUPPLEMENTARY INFORMATION: The above Order was adopted December 11, 1995, and released December 14, 1995. The Order was released pursuant to Section 64.604(c)(4)(iii) of the Commission's Rules, 47 CFR Section 64.604(c)(4)(iii). Pursuant to the Order, and subject to approval by OMB, the 1996 TRS Fund Worksheet, FCC Form 431, shall be effective for the period April 26, 1996 through March 26, 1997. All subject carriers are required to file the form annually and contribute to the TRS Fund. The TRS Fund reimburses TRS providers for the costs of providing interstate TRS. The Commission's rules provide that the TRS Fund Worksheet shall be published in the Federal Register. See 47 CFR Section 64.604(c)(4)(iii)(B).

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Federal Communications Commission, Records Management Branch, Room 234, Paperwork Reduction Project (3060–0536), Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project (3060–0536), Washington, DC 20503.

Federal Communications Commission.

Linda Dubroof,

Deputy Chief, Network Services Division, Common Carrier Bureau.

[FR Doc. 96–2752 Filed 2–8–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

Kloster Cruise Limited (d/b/a Norwegian Cruise Line), 95 Merrick Way, Coral Gables, Florida 33134

Vessels: CROWN ODYSSEY AND ROYAL ODYSSEY

Dated: February 5, 1996.

Joseph C. Polking,

Secretary.

FR Doc. 96–2765 Filed 2–8–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Fulton Bancshares Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is 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 question 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.'' 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 February 23, 1996.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Fulton Bancshares Corporation, McConnellsburg, Pennsylvania; to engage *de novo* through its subsidiary, The Fulton County Community Development Corporation, McConnellsburg, Pennsylvania, in community development activities, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Banc One Corporation, Columbus, Ohio; to engage *de novo* through its subsidiary, Banc One Leasing Corporation, Columbus, Ohio, in higher residual value leasing activities, pursuant to § 225.25(b)(5)(ii) of the Board's Regulation Y.

2. PNC Bank Corp., Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, PNC Bank Merchant Partner, Inc., Pittsburgh, Pennsylvania, in providing financial and data processing services in connection with providing credit and debit card processing services for merchants and agent banks, pursuant to §§ 225.25(b)(7) and 225.25(b)(1) of the Board's Regulation Y. PNC Bank Corp. and First Data Corporation, Hackensack, New Jersey, and its wholly-owned subsidiary, Card Establishment Services, Inc., Melville, New York, have entered into a joint venture for the purpose of providing debit and credit card

processing services for merchants and agent banks. The joint venture vehicle will be a general partnership known as PNC Bank Merchant Services Company, Melville, New York. Sixty percent of the partnership interest will be owned by a subsidiary of Card Establishment Services, Inc., with the remaining 40 percent held by PNC Bank Merchant Partner, Inc.

Board of Governors of the Federal Reserve System, February 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–2798 Filed 2–8–96; 8:45 am]

BILLING CODE 6210–01–F

Donald W. Gillfillan, et al.; 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 February 23, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Donald W. Gillfillan, and John H Nelson,, both of Lanark, Illinois; each to acquire an additional 8.86 percent, for a total of 26.58 percent each, of the voting shares of Lanark Bancshares, Inc., Lanark, Illinois, and thereby indirectly acquire Exchange State Bank, Lanark, Illinois.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. James G. Fitzgerald and Thomas G. Fitzgerald, both of Barrington Hills, Illinois; to each acquire a total of 50 percent of the voting shares of Mancos Bancorporation, Inc., Mancos, Colorado, and thereby indirectly acquire Mancos Valley Bank, Mancos, Colorado.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. B. Joe Aday, Las Cruces, New Mexico; to acquire an additional 1.99 percent, for a total of 21.21 percent, of the voting shares of First Sierra Bancshares, Inc., Truth or Consequences, New Mexico, and thereby indirectly acquire First Sierra Bank, Truth or Consequences, New Mexico.

Board of Governors of the Federal Reserve System, February 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–2799 Filed 2–8–96; 8:45 am]

BILLING CODE 6210–01–F

Valley Community Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is 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 to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 4, 1996.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Valley Community Bancorp, Inc., St. Charles, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Valley Community Bank, St. Charles, Illinois, in organization.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Heritage Financial Corporation, Lawrenceville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage National Bank, Lawrenceville, Illinois.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Taylor Bancshares, Inc., North Mankato, Minnesota; to acquire 7 percent of the voting shares of First National Bank of Fairfax, Fairfax, Minnesota.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. ComBankshares, Inc., Prairie Village, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank, Chapman, Kansas.

E. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Caldwell Holding Company, Columbia, Louisiana; to acquire 7.30 percent of the voting shares of Citizens Progressive Bank, Columbia, Louisiana.

2. City State Bancshares, Inc., Palacios, Texas, and City State Bancshares, Inc., Delaware, Dover, Delaware; to become a bank holding companies by acquiring 100 percent of the voting shares of The City Bank of Palacios, Palacios, Texas.

Board of Governors of the Federal Reserve System, February 5, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–2800 Filed 2–8–96; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Monthly Meeting

AGENCY: Genral Accounting Office.

ACTION: Notice of monthly meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463), as amended, notice is hereby given that the regular monthly meeting of the Federal Accounting Standards Advisory Board will be held on Wednesday, February 14 in Room 7C13 of the General Accounting Office, 441 G St., NW., Washington, DC.

The purpose of the meeting is to discuss issues arising from the December 5 public hearing on *Supplementary Stewardship Reporting* exposure draft and also to discuss issues

related to the *Accounting for Revenue and Other Financing Sources* exposure draft.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Executive Staff Director, 750 First St., NE., Room 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. Section 10(a)(2) (1988); 41 CFR 101–6.105 (1990).

Dated: February 6, 1996.

Ronald S. Young,

Executive Director.

[FR Doc. 96–2847 Filed 2–8–96; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Workshop

Name: CDC Funded Childhood Lead Poisoning Prevention Program Grantee Workshop.

Times and Dates: 8 a.m.–5 p.m., March 11, 1996; 8 a.m.–5 p.m., March 12, 1996; 8 a.m.–11:30 a.m., March 13, 1996.

Place: The Westin Peachtree Plaza, 210 Peachtree Street, NW, Atlanta, Georgia 30303–1745.

Status: Open to the public, limited only by the space available.

Purpose: The primary purpose of this workshop is to provide assistance to CDC's Childhood Lead Poisoning Prevention grant recipients in addressing program development, assessment and evaluation of issues and concerns.

Matters To Be Discussed: Topics to be discussed include program management and assessment as well as training for managers and coordinators.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Ron Stoddard or Sakeena Smith, Childhood Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects (F42), NCEH, CDC, 4770 Buford Highway, NE, Atlanta, Georgia 30333, telephone 770/488–7330.

Written comments are welcome and should be received by the contact person no later than February 26, 1996. Persons wishing to make oral comments at the workshop should notify the contact person in writing or by telephone no later than close of business on February 26, 1996. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit each presenter.

Dated: February 5, 1996.

Nancy C. Hirsch,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–2803 Filed 2–8–96; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 96F–0027]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of bis(2,4-di-tert-butyl-6-methylphenyl) ethyl phosphite for use as a processing stabilizer for olefin polymers intended for use in contact with food.

DATES: Written comments on the petitioner's environmental assessment by March 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: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 6B4492) has been filed by Ciba-Geigy Corp., 540 White Plains Rd., Tarrytown, NY 10591–9005. The petition proposes to amend the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of bis(2,4-di-tert-butyl-6-methylphenyl) ethyl phosphite as a processing stabilizer for olefin polymers complying with 21 CFR 177.1520.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before March 11, 1996, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: January 17, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–2745 Filed 2–8–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96F–0032]

Shinagawa Fuel Co., Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Shinagawa Fuel Co., Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of silver-zinc zeolite as an agent to control the growth of microorganisms in plastic resins used in food-contact applications.

DATES: Written comments on the petitioner's environmental assessment by March 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: Vir D. Anand, Center for Food Safety and

Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3081.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 6B4488) has been filed by Shinagawa Fuel Co., Ltd., c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in part 178 (21 CFR part 178) to provide for the safe use of silver-zinc zeolite as an agent to control the growth of microorganisms in plastic resins used in food-contact applications.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before March 11, 1996, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the Federal Register. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c).

Dated: January 22, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–2746 Filed 2–8–96; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Cancer Institute; Notice of Meetings of the National Cancer Advisory Board and its Subcommittees

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the National Cancer Advisory Board, National Cancer Institute, and its Subcommittees on February 26–28, 1996. Except as noted below, the meetings of the Board and its Subcommittees will be open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

A portion of the Board meeting will be closed to the public in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications and for discussion of issues pertaining to programmatic areas and/or NCI personnel. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning the individuals associated with the applications or programs, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, National Institutes of Health, Executive Plaza North, Room 630E, 9000 Rockville Pike, Bethesda, Maryland 20892 (301) 496–5708), will provide summaries of the meetings and rosters of the Board members upon request.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Carole Frank, Committee Management Specialist, at (301) 496–5708 in advance of the meeting.

Name of Committee: Subcommittee on Basic and Environmental Sciences.

Contact Person: Dr. Susan Sieber, Executive Secretary, National Cancer Institute, NIH, Building 31, Room 11A03, 9000 Rockville Pike, Bethesda, MD 20892; (301) 496–5946.

Date of Meeting: February 26, 1996.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: 5 pm to 7 pm.

Agenda: To discuss basic and environmental sciences issues.

Name of Committee: Subcommittee on Planning and Budget.

Contact Person: Ms. Cherie Nichols, Executive Secretary, National Cancer Institute, NIH, Building 31, Room 11A19, 9000 Rockville Pike, Bethesda, MD 20892; (301) 496–5515.

Date of Meeting: February 26, 1996.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: 7 pm to 9 pm.

Agenda: To discuss the NIC budget and various planning issues.

Name of Committee: National Cancer Advisory Board.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 600A, 6130 Executive Boulevard, Bethesda, MD 20892–7405; (301) 496–5147.

Date of Meeting: February 27–28, 1996.

Place of Meeting: Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: February 27—8 am to approximately 1 pm.

Agenda: Report on activities of the President's Cancer Panel; the Director's Report on the National Cancer Institute; New Business; Scientific Presentations.

Closed: February 27—3 to approximately 5 pm.

Agenda: For review and discussion of individual grant applications and extramural/intramural programmatic and personnel policies.

Open: February 28—8 am to adjournment.

Agenda: Scientific Presentations; Subcommittee Reports; Continuing New Business; Board of Scientific Advisors Status Report; Innovative Funding Paradigms for Extramural Programs; Extramural Advisory Board.

Name of Committee: Subcommittee on Cancer Centers.

Contact Person: Dr. Brian Kimes, Executive Secretary, National Cancer Institute, NIH, Executive Plaza North, Room 300, 6130 Executive Boulevard, Bethesda, MD 20892–7094; (301) 496–8537.

Date of Meeting: February 27, 1996.

Place of Meeting: Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: 1 pm to 3 pm.

Agenda: To discuss the cancer centers.

Name of Committee: Subcommittee on Information and Cancer Control.

Contact Person: Mr. Paul Van Nevel, Executive Secretary, National Cancer Institute, NIH, Building 31, Room 10A31, 9000 Rockville Pike, Bethesda, MD 20892; (301) 496–6631.

Date of Meeting: February 27, 1996.

Place of Meeting: Conference Room 9, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: 1 pm to 3 pm.

Agenda: To discuss information and cancer control issues.

Name of Committee: Subcommittee on Clinical Investigations.

Contact Person: Dr. Robert E. Wittes, Acting Executive Secretary, National Cancer Institute, NIH, Building 31, Room 3A52, 9000 Rockville Pike, Bethesda, MD 20892; (301) 496–4291.

Date of Meeting: February 27, 1996.

Place of Meeting: Conference Room 9, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: Immediately following closed session of the full Board, approximately 5 pm, to adjournment.

Agenda: To discuss the clinical investigation issues.

Name of Committee: Subcommittee on Special Priorities.

Contact Person: Ms. Iris Schneider, Executive Secretary, National Cancer Institute, NIH, Building 31, Room 11A48, 9000 Rockville Pike, Bethesda, MD 20892; (301) 496–5534.

Date of Meeting: February 27, 1996.

Place of Meeting: Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Open: Immediately following closed session of the full Board, approximately 5 pm, to adjournment.

Agenda: To discuss issues related to special priorities.

(CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAM NUMBERS: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2814 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Center for Research Resources; Notice of Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Center for Research Resources, March 13, 1996, in Building 45, Conference Room A, and March 14, 1996, in Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on March 13 from 9:00 a.m. to 12:45 p.m. for the review of the Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 13 from 8:00 a.m. to 9:00 a.m. and 12:45 p.m. until adjournment on March 14 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Sonja Shorts, Assistant to the Executive Secretary, National Center for Research Resources, Building 12, Room 12A, National Institutes of Health, Bethesda, Maryland, 20894–2425, 301–496–6023, will provide a summary of the meeting and a roster of the Board members and substantive program information upon request. Individuals who plan to attend the open session and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Shorts in advance of the meeting.

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2816 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting of the Sleep Disorders Research Advisory Board

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sleep Disorders Research Advisory Board, National Center on Sleep Disorders Research, National Heart, Lung, and Blood Institute, March 20, 1996. This meeting will be held at the National Institutes of Health, Building 31, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to discuss recommendations on the implementation and evaluation of the National Center on Sleep Disorders Research programs. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dr. James P. Kiley, Executive Secretary and Director, National Center on Sleep Disorders Research, NHLBI, Two Rockledge Center, Suite 7024, 6701 Rockledge Drive, MSC 7920, Bethesda, Maryland 20892–7920, (301) 435–0199, will furnish meeting and member information.

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2808 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health: Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Mental Health.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S.C., the entire meeting will be closed for the review, discussion, and evaluation of staff scientists and individual programs and projects. The subject matter to be reviewed contains information of a confidential nature, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Agenda/Purpose: To evaluate recent reviews of selected intramural research projects from the laboratory of Cell Biology and the Laboratory of Clinical Science.

Committee Name: Board of Scientific Counselors, National Institute of Mental Health.

Date: February 27, 1996.

Time: 8:30 a.m.

Place: Building 36, Room 1B07, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Robert W. Dennis, Executive Secretary, Building 10, Room 4N224, 9000 Rockville Pike, Bethesda, MD 20892, Telephone: 301, 496–4183.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2819 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Initial Review Group:

Agenda Purpose: To review and evaluate grant applications.

Committee name: Clinical Psychopathology Review Committee.

Date: March 18–March 19, 1996.

Time: 8:30 a.m.

Place: Barcelo Washington Hotel, 2121 P Street, N.W., Washington, DC 20037.

Contact Person: Jean Speas, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meeting will be closed in accordance with the provisions set forth in secs.

552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2818 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute on Alcohol Abuse and Alcoholism Initial Review Group:

Purpose/Agenda: To review and evaluate grant applications.

Name of Committee: Clinical and Treatment Subcommittee.

Dates of Meeting: February 22–23, 1996.

Time: 8:00 a.m.

Place of Meeting: River Inn, 924 25th Street, N.W., Washington, DC 20037.

Contact Person: Elsie D. Taylor, 6000 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–9787.

Name of Committee: Epidemiology and Prevention Subcommittee.

Dates of Meeting: February 22–23, 1996.

Time: 8:30 a.m.

Place of Meeting: Hyatt Regency, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Thomas D. Sevy, M.S.W., 6000 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–6106.

Name of Committee: Biochemistry, Physiology, and Medicine Subcommittee.

Dates of Meeting: February 28, 1996.

Time: 9:00 a.m.

Place of Meeting: Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ronald Suddendorf, Ph.D., 6000 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–6107.

Name of Committee: Neuroscience and Behavior Subcommittee.

Dates of Meeting: February 28, 1996.

Time: 9:00 a.m.

Place of Meeting: Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Antonio Noronha, Ph.D., 6000 Executive Blvd, Suite 409, Bethesda, MD 20892–7003, 301–443–9419.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.281, Scientist Development Award, Research Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.891, Alcohol Research Center Grants; National Institutes of Health.)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2817 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Notice of Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, March 4–5, 1996, in Building 101, South Campus, Conference Rooms A & B, National Institute of Environmental Health Sciences (NIEHS), Research Triangle Park, North Carolina.

This meeting will be open to the public from 8:30 a.m. to approximately 4:30 p.m. on March 4 and on March 5 from 8:30 a.m. to approximately 11:00 a.m., for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Biochemical Risk Analysis, the Neuropharmacology Section, and Chemistry Branch. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6) of Title 5, U.S. Code and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 5 from approximately 11:00 a.m. to adjournment, for the evaluation of the programs of the Laboratory of Biochemical Risk Analysis, the Neuropharmacology Section, and Chemistry Branch, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Carl Barrett, Scientific Director, Division of Intramural Research, NIEHS, Research Triangle Park, NC 27709, telephone (919) 541–3205, will furnish rosters of committee members and program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary in advance of the meeting.

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2815 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings:

Name of Subcommittee: Biological and Clinical; Aging Review Subcommittee A.

Date: March 18, 1996.

Time: Teleconference—2 p.m. to adjournment.

Place: The Gateway Building, 7201 Wisconsin Avenue, 5th Floor Conference Room, Bethesda, Maryland 20852–9205.

Contact Person: Dr. James Harwood, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

Name of Subcommittee: Biological and Clinical Aging Review Subcommittee B.

Date: March 5, 1996.

Time: 10 a.m. to adjournment.

Place: The Hyatt Regency, One Bethesda Metro Center, Bethesda, Maryland 20814.

Contact Person: Capt. William A. Kachadorian, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

Name of Subcommittee: Neuroscience, Behavior and Sociology of Aging Subcommittee A.

Date: March 11–14, 1996.

Time: 7 p.m. on March 11 to adjournment on March 14.

Place: Holiday Inn—Georgetown, 2101 Wisconsin AVe., N.W., Washington, DC 20007.

Contact Person: Drs. Maria Mannarino or Louise Hsu, Scientific Review Administrators, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

Name of Subcommittee: Neuroscience, Behavior and Sociology of Aging Subcommittee B.

Date: March 14, 1996.

Time: Teleconference—1 p.m. to adjournment.

Place: Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, Maryland 20814.

Contact Person: Dr. Paul Lenz, Scientific Review Administrator, Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892–9205, (301) 496–9666.

Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

The meetings will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health.)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2811 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose: To review grant applications.

Committee Name: Minority Access to Research Careers Review Committee.

Date: March 21, 1996.

Time: 8:30 a.m.–6 p.m.

Place of Meeting: National Institutes of Health, 45 Center Drive, Natcher Building, Conference Room D, Bethesda, MD 20892.

Contact Person: Dr. Richard Martinez, 45 Center Drive, Room 1AS–19G, Bethesda, MD 20892.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers [MARC]; and 93.375, Minority Biomedical Research Support [MBRS])

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

FR Doc. 96–2810 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Due to the partial shutdown of the Federal Government, notice is hereby given of a change in the following meeting, as previously advertised in the Federal Register.

National Institute on Deafness and Other Communication Disorders

Ad Hoc Clearinghouse Subcommittee of the National Deafness and Other Communication Disorders Advisory Council was to have met December 18, 1995, 11 a.m. to 1 p.m., as a telephone conference call originating in Room 3C05, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, as published in the Federal Register on December 11, 1995 (60 FR 63537). The meeting has been changed to February 16, 1996, 1–3 p.m., in Conference Room 7 of Building 31. As previously advertised, the meeting will be a telephone conference call and will be open to the public.

Dated: February 1, 1996.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 96–2807 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

Amended Notice of Meetings

Due to the partial shutdown of the Federal Government, notice is hereby given of changes and/or postponements in the following meetings, as previously advertised in the Federal Register.

1. National Institute of Arthritis and Musculoskeletal and Skin Diseases

National Arthritis and Musculoskeletal and Skin Diseases Advisory Council was to have met in open session from 8:30 a.m. to 9:00 a.m., and in closed session from 9:00 a.m. to adjournment, February 8, 1996, Wilson Hall, Shannon Building, National Institutes of Health, Bethesda, Maryland, as published in the Federal Register on January 25, 1996 (61 FR 2257). The meeting has been changed to meet in open session from 8:30 a.m. to 12 noon, and in closed session from 12 noon to adjournment.

2. National Institute of Dental Research

A closed meeting of the National Institute of Dental Research Special Emphasis Panel-Review of Oral Cancer Centers, was to have met January 7–11, 1996, 8 a.m., Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD, as published in the Federal Register on December 12, 1995 (60 FR 238 63722). The meeting has been changed to March 6–8. As previously advertised, the meeting will begin at 8 a.m. and will be closed to the public.

3. Division of Research Grants

A closed meeting of the Division of Research Grants Special Emphasis Panel-Behavioral and Neurosciences, was to have met February 21–23, 1996, 8 a.m., Madison Hotel, Washington, D.C., as published in the Federal Register on December 14, 1995 (60 FR 240 64175). The meeting has been changed to March 20–22. As previously advertised, the meeting will begin at 8 a.m. and will be closed to the public.

Dated: January 31, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2806 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institute of Environmental Health Sciences (NIEHS)/National Toxicology Program (NTP) Public Meeting; Coordinated Research Program to Develop and Validate Transgenic Models for Carcinogenicity Studies.

Notice is hereby given of a public meeting to be held at the National Institute of Environmental Health Sciences to discuss the possibility of a coordinated research program to develop and validate transgenic models for carcinogenicity studies. The meeting will begin at 8:30 a.m. on Friday, February 9, 1996, in Conference Room 101B, in the Main Conference Facility of the NIEHS in the Research Triangle Park, North Carolina. The meeting will adjourn by 5:00 p.m.

From 8:30 a.m. to approximately 11:45 a.m. invited participants will provide brief overviews of the interests, perspectives, and ongoing initiatives of their individual companies, agencies, and institutions with respect to evaluating transgenic mouse models; and Federal regulatory agencies will briefly describe their interests and

perspectives with respect to the use of transgenic models for carcinogenicity studies. A lunch break is tentatively scheduled from 11:45 a.m.—12:45 p.m. The afternoon session will be a discussion by the participants of a strategy for a joint validation program and will include discussion of the availability of models, selection of chemicals, evaluation and publication of results, and an estimation and commitment of resources to a collaborative program.

The entire meeting is open to the public and limited only by the space available. Persons wanting additional information or wishing to attend should contact Ms. Sandra Lange, NIP Liaison Office, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709 (telephone 919–541–0530; fax 919–541–0295; or Internet britton@niehs.nih.gov).

Dated: January 30, 1996.

Kenneth Olden,

Director, National Institute of Environmental Health Sciences and the National Toxicology Program.

[FR Doc. 96–2805 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: February 15–16, 1996.

Time: 8:00 a.m.

Place: Holiday Inn, Chevy Chase, Maryland.

Contact Person: Dr. Gopal C. Sharma, Scientific Review Administrator, 6701 Rockledge Drive, Room 4112, Bethesda, Maryland 20892, (301) 435–1783.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Clinical Sciences.

Date: February 20–21, 1996.

Time: 7:00 a.m.

Place: Chapel Hill, North Carolina.

Contact Person: Dr. Gertrude McFarland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4110, Bethesda, Maryland 20892, (301) 435–1284.

Name of SEP: Clinical Sciences.

Date: February 21, 1996.

Time: 8:30 a.m.

Place: Holiday Inn, Bethesda, Maryland.

Contact Person: Dr. Jerrold Fried, Scientific Review Administrator, 6701 Rockledge Drive, Room 4126, Bethesda, Maryland 20892, (301) 435–1777.

Name of SEP: Biological and Physiological Sciences.

Date: February 22, 1996.

Time: 8:30 a.m.

Place: Omni Shoreham, Washington, DC.

Contact Person: Dr. Peggy McCardle, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Chemistry and Related Sciences.

Date: March 13, 1996.

Time: 10:00 a.m.

Place: NIH, Rockledge 2, Room 5148, Telephone Conference.

Contact Person: Dr. Jerry Critz, Scientific Review Administrator, 6701 Rockledge Drive, Room 5148, Bethesda, Maryland 20892, (301) 435–1741.

Name of SEP: Clinical Sciences.

Date: March 14–15, 1996.

Time: 8:30 a.m.

Place: Ramada Inn, Rockville, Maryland.

Contact Person: Dr. Syed Amir, Scientific Review Administrator, 6701 Rockledge Drive, Room 6168, Bethesda, Maryland 20892, (301) 435–1043.

Name of SEP: Biological and Physiological Sciences.

Date: March 28, 1996.

Time: 8:00 a.m.

Place: Sheraton Reston Hotel, Reston, Virginia.

Contact Person: Dr. Gerald Greenhouse, Scientific Review Administrator, 6701 Rockledge Drive, Room 5140, Bethesda, Maryland 20892, (301) 435–1023.

Name of SEP: Biological and Physiological Sciences.

Date: March 29–30, 1996.

Time: 8:30 a.m.

Place: Georgetown Holiday, Washington, DC.

Contact Person: Dr. Robert Su, Scientific Review Administrator, 6701 Rockledge Drive, Room 5144, Bethesda, Maryland 20892, (301) 435–1025.

Purpose/Agenda: To review Small Business Innovation Research.

Name of SEP: Microbiological and Immunological Sciences.

Date: February 23, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4200, Telephone Conference.

Contact Person: Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 4200, Bethesda, Maryland 20892, (301) 435–1219.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2813 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

National Institutes of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and infectious Diseases Special Emphasis Panel (SEP) meeting:

Name of SEP: Clinical Studies of Chronic Lyme Disease (Telephone Conference Call).

Date: February 28, 1996.

Time: 12:30 p.m.

Place: Teleconference, 6003 Executive Boulevard, Solar Bldg., Rm. 1A3, Bethesda, MD 20892–7610, (301) 496–2550.

Contact Person: Dr. Sayeed Quraishi, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C22, Bethesda, MD 20892–7610, (301) 496–7465.

Purpose/Agenda: To evaluate technical proposals.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2809 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following

meetings that are being held to review grant applications:

AIDS AND RELATED RESEARCH INITIAL REVIEW GROUP

Study section/contact person	February-April 1996 meetings	Time	Location
AIDS & Related Research 1, Dr. Sami Mayyasi 301–435–1216.	Mar. 14–15	8:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
AIDS & Related Research 2, Dr. Gilbert Meier, 301–435–1219.	Mar. 8	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3, Dr. Marcel Pons 301–435–1217.	Feb. 29–Mar. 1 .	8:00 a.m	Holiday Inn, Bethesda, MD.
AIDS & Related Research 4, Dr. Mohindar Poonian 301–435–1218.	Feb. 29–Mar. 1 .	8:30 a.m	Hyatt Regency Hotel, Bethesda, MD.
AIDS & Related Research 5, Dr. Mohindar Poonian 301–435–1218.	Mar. 7	8:00 a.m	Hyatt Regency Hotel, Bethesda, MD.
AIDS & Related Research 6, Dr. Gilbert Meier 301–435–1219.	Mar. 1	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7, Dr. Gilbert Meier 301–435–1219.	Mar. 15	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Biobehavioral and Social Sciences Initial Review Group			
Behavioral Medicine, Ms. Carol Campbell 301–435–1257.	Feb. 21–22	8:30 a.m	Omni Shreham Hotel, Washington, DC.
Human Development & Aging–1, Dr. Anita Miller Sostek 301–435–1260.	Feb. 20–21	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Human Development & Aging–2, Dr. Peggy McCardle 301–435–1258.	Mar. 21–22	8:30 a.m	Embassy Square Suites, Washington, DC.
Human Development & Aging–3, Dr. Anita Miller Sostek 301–435–1260.	Feb. 22–23	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Social Sciences & Population, Dr. Robert Weller 301–435–1261.	Mar. 14–15	8:00 a.m	Hyatt Regency Hotel, Bethesda, MD.
Biochemical Sciences Initial Review Group			
Biochemistry, Dr. Chhanda Ganguly 301–435–1739 ..	Feb. 21–23	8:30 a.m	The Georgetown Inn, Washington, DC.
Medical Biochemistry, Dr. Alexander Liacouras 301–435–1740.	Feb. 22–23	8:30 a.m	Holiday Inn, Silver Spring, MD.
Pathobiochemistry, Dr. Zakir Bengali 301–435–1742 .	Feb. 15–16	8:30 a.m	Holiday Inn, Georgetown, DC.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Physiological Chemistry, Dr. Jerry Critz 301–435–1741.	Feb. 22–23	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Biophysical and Chemical Sciences Initial Review Group			
Bio-Organic & Natural Products Chemistry, Dr. Harold Radtke 301–435–1728.	Mar. 14–15	9:00 a.m	Holiday Inn, Georgetown, DC.
Biophysical Chemistry, Dr. John Beisler 301–435–1727.	Mar. 25–27	8:30 a.m	Holiday Inn, Gaithersburg, MD.
Medicinal Chemistry, Dr. Ronald Dubois 301–435–1722.	Mar. 19–21	8:30 a.m	Holiday Inn, Bethesda, MD.
Metallobiochemistry, Dr. Edward Zapolski 301–435–1725.	Feb. 22–23	8:30 a.m	Radisson Barcelo Hotel, Washington, DC.
Molecular & Cellular Biophysics, Dr. Nancy Lamontagne 301–435–1726.	Mar. 6–7	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Physical Biochemistry, Dr. Gopa Rakhit 301–435–1721.	Feb. 26–27	8:30 a.m	Doubletree Hotel, Rockville, MD.
Cardiovascular Sciences initial Review Group			
Cardiovascular, Dr. Gordon Johnson 301–435–1212 .	Feb. 28–Mar. 1 .	8:00 a.m	Doubletree Hotel, Rockville, MD.
Cardiovascular & Renal, Dr. Anthony Chung 301–435–1213.	Feb. 19–21	8:30 a.m	Marriott Hotel, Pooks Hill, Bethesda, MD.
Experimental Cardiovascular Sciences, Dr. Anshumali Chaudhari 301–435–1210.	Feb. 26–28	8:00 a.m	Doubletree Hotel, Rockville, MD.
Hematology–1, Dr. Clark Lum 301–435–1195	Feb. 15–16	8:00 a.m	Hyatt Regency Hotel, Bethesda, MD.

AIDS AND RELATED RESEARCH INITIAL REVIEW GROUP—Continued

Study section/contact person	February-April 1996 meetings	Time	Location
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Hematology–2, Dr. Jerrold Fried 301–435–1777	Mar. 6–7	8:30 a.m	Holiday Inn, Bethesda, MD.
Pharmacology, Dr. Jeanne Ketley 301–435–1789	Mar. 20–21	8:30 a.m	American Inn, Bethesda, MD.
Cell Development and Function Initial Review Group			
Biological Sciences–2, Dr. Camilla Day 301–435–1024.	Mar. 19–20	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Cellular Biology and Physiology–1, Dr. Gerald Greenhouse 301–435–1023.	Mar. 12–13	8:00 a.m	Sheraton Reston Hotel, Reston, VA.
Cellular Biology and Physiology–2, Dr. Gerhard Ehrenspeck 301–435–1022.	Mar. 13–14	8:30 a.m	Holiday Inn, Bethesda, MD.
Human Embryology & Development–2, Dr. Sherry Dupere 301–435–1021.	Mar. 11–12	8:00 a.m	Doubletree Hotel, Rockville, MD.
International & Cooperative Projects, Dr. G.B. Warren 301–435–1019.	Feb. 28–Mar. 1 .	8:00 a.m	Embassy Suites Hotel, Chevy Chase, Pavilion, Washington, DC.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Molecular Biology, Dr. Robert Su 301–435–1025	Feb. 15–17	8:30 a.m	The Georgetown Inn, Washington, DC.
Molecular Cytology, Dr. Ramesh Nayak 301–435–1026.	Mar. 7–8	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Endocrinology and Reproductive Sciences Initial Review Group			
Biochemical Endocrinology, Dr. Michael Knecht 301–435–1046.	Mar. 7–8	8:30 a.m.	Holiday Inn, Chevy Chase, MD.
Endocrinology, Dr. Syed Amir 301–435–1043	Feb. 28–29	8:30 a.m.	Holiday Inn, Bethesda, MD.
Human Embryology & Development-1, Dr, Michael Knecht 301–435–1046.	Feb. 15–16	8:00 a.m.	Doubletree Hotel, Rockville, MD.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Reproductive Biology, Dr, Dennis Leszczynski 301–435–1044.	Feb. 19–21	8:00 a.m.	Hyatt Regency Hotel, Bethesda, MD.
Reproductive Endocrinology, Dr, Abubakar Shaikh 301–435–1042.	Feb. 26–27	8:00 a.m.	American Inn, Bethesda, MD.
Genetic Sciences Initial Review Group			
Biological Sciences-1, Dr. Nancy Pearson 301–435–1047.	Feb. 27–28	8:30 a.m.	St. James Hotel, Washington, DC.
Genetics, Dr. David Remondini 301–435–1038	Mar. 21–23	9:00 a.m.	Ramada Inn, Bethesda, MD.
Genome, Dr. Cheryl Corsaro 301–435–1045	Feb. 26–28	9:00 a.m.	Holiday Inn, Chevy Chase, MD.
Mammalian Genetics, Dr. Jerry Roberts 301–435–1037.	Feb. 29–Mar. 1 .	8:30 a.m.	St. James Hotel, Washington, DC.
Health Promotion and Disease Prevention Initial Review Group			
Epidemiology & Disease Control-1 Dr. Scott Osborne 301–435–1782.	Mar. 19–21	8:30 a.m	Marriott Residence Inn, Bethesda, MD.
Epidemiology & Disease Control-2 Dr. Gertrude McFarland 301–435–1784.	Mar. 18–20	8:30 a.m	Holiday Inn, Bethesda, MD.
Nursing Research, Dr. Gertrude McFarland 301–435–1784.	Feb. 26–27	8:30 a.m	Holiday Inn, Bethesda, MD.
Immunological Sciences Initial Review Group			
Experimental Immunology, Dr. Calbert Laing 301–435–1221.	Mar. 5–6	8:30 a.m	Holiday Inn, Georgetown, DC.
Immunobiology, Dr. Betty Hayden 301–435–1223	Feb. 13–14	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Immunological Sciences, Dr. Anita Corman Weinblatt 301–435–1224.	Feb. 14–15	8:30 a.m	Holiday Inn, Chevy Chase, MD.

AIDS AND RELATED RESEARCH INITIAL REVIEW GROUP—Continued

Study section/contact person	February-April 1996 meetings	Time	Location
This notice is being published less than 15 days prior to the above two meetings due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Immunology, Virology & Pathology, Dr. Lynwood Jones 301–435–1153.	Mar. 18–19	8:30 a.m	Holiday Inn, Chevy Chase, MD
Infectious Diseases and Microbiology Initial Review Group			
Bacteriology & Mycology-1, Dr. Timothy Henry 301–435–1147.	Feb. 29–Mar. 1 .	8:30 a.m	Marriott Residence, Inn, Bethesda, MD.
Bacteriology & Mycology-2, Dr. William Branche, Jr., .	Mar. 6–8	8:30 a.m	Holiday, Inn, Chevy Chase, MD.
Experimental Virology, Dr. Garrett Keefer 301–435–1152.	Mar. 18–19	8:30 a.m	Holiday Inn, Bethesda, MD.
Microbial Physiology & Genetics-1, Dr. Martin Slater 301–435–1149.	Feb. 21–23	8:30 a.m	One Washington Circle Hotel, Washington, DC.
Microbial Physiology & Genetics-2, Dr. Gerald Liddel 301–435–1150.	Feb. 21–22	8:30 a.m	St. James Hotel, Washington, DC
Tropical Medicine & Parasitology, Dr. Jean HIckman 301–435–1146.	Mar. 7–8	8:00 a.m	Holiday Inn, Bethesda, MD.
Virology, Dr. Rita Anand 301–435–1151	Mar. 7–8	8:30 a.m	Holiday Inn, Bethesda, MD.
Musculoskeletal and Dental Sciences Initial Review Group			
General Medicine B, Dr. Shirley Hilden 301–435–1198.	Feb. 28–29	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Oral Biology & Medicine-1, Dr. Priscilla Chen 301–435–1787.	Apr. 9–10	8:30 a.m	ANA Hotel, Washington, DC.
Oral Biology & Medicine-2, Dr. Priscilla Chen 301–435–1787.	Feb. 20–21	8:30 a.m	ANA Hotel, Washington, DC.
Orthopedics & Musculoskeletal, Dr. Daniel McDonald 301–435–1215.	Mar. 4–5	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Neurological Sciences Initial Review Group			
Neurological Sciences-1, Dr. Carl Banner 301–435–1251.	Mar. 6–8	8:30 a.m	River Inn Hotel, Washington, DC.
Neurological Sciences-2, Dr. Kathleen Michels 301–435–1250.	Mar. 12–14	8:00 a.m	Holiday Inn, Bethesda, MD.
Neurology A, Dr. Joe Marwah 301–435–1253	Feb. 29–Mar. 2 .	8:30 a.m	Windom Bristol Hotel, Washington, DC.
Neurology B–1, Dr. Lillian Pubols 301–435–1255	Feb. 23–24	8:30 a.m	ANA Hotel, Washington, DC.
Neurology B–2, Dr. Herman Teitelbaum 301–435–1254.	Feb. 25–27	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Neurology C, Dr. Kenneth Newrock 301–435–1252 ...	Feb. 14–16	8:30 a.m	Radisson Barcelo Hotel, Washington, DC.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Nutritional and Metabolic Sciences Initial Review Group			
Metabolism, Dr. Krish Krishnan 301–435–1779	Feb. 22–23	8:30 a.m	Holiday Inn, Georgetown, DC.
General Medicine A–2, Dr. Mushtaq Khan 301–435–1778.	Feb. 12–14	8:30 a.m	Doubletree Hotel, Rockville, MD.
Nutrition, Dr. Sooja Kim 301–435–1780	Feb. 12–13	8:30 a.m	Doubletree Hotel, Rockville, MD.
This notice is being published less than 15 days prior to the above two meetings due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Oncological Sciences Initial Review Group			
Chemical Pathology, Dr. Edmund Copeland, 301–435–1715.	Mar. 24–26	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Experimental Therapeutics-1, Dr. Philip Perkins, 301–435–1718.	Mar. 14–15	8:30 a.m	Hyatt Arlington Hotel, Arlington, VA.
Experimental Therapeutics-2, Dr. Marcia Litwack, 301–435–1719.	Feb. 27–29	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Metabolic Pathology, Dr. Marcelina Powers, 301–435–1720.	Mar. 4–6	8:30 a.m	Holiday Inn, Georgetown, DC.
Pathology A, Dr. Larry Pinkus, 301–435–1214	Mar. 19–21	8:00 a.m	Holiday Inn, Georgetown, DC.
Pathology B, Dr. Martin Padarathsingh, 301–435–1717.	Feb. 27–29	7:00 p.m	The Marriott Bay Point Resort, Panama City, FL.

AIDS AND RELATED RESEARCH INITIAL REVIEW GROUP—Continued

Study section/contact person	February-April 1996 meetings	Time	Location
Radiation, Dr. Paul Strudler, 301–435–1716	Feb. 26–28	8:30 a.m	Keystone Report, Keystone, C0.
Pathophysiological Sciences Initial Review Group			
Lung Biology & Pathology, Dr. Anne Clark, 301–435–1017.	Feb. 20–22	8:00 a.m	Marriott Hotel, Pooks Hill, Bethesda, MD.
Physiology, Dr. Michael Lang, 301–435–1015	Feb. 15–16	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Respiratory & Applied Physiology, Dr. Everett Sinnett, 301–435–1016.	Feb. 20–21	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Sensory Sciences Initial Review Group			
Hearing Research, Dr. Joseph Kimm, 301–435–1249	Mar. 18–20	8:30 a.m	Ramada Inn Hotel, Rockville, MD.
Sensory Disorders & Language, Dr. Jane Hu, 301–435–1245.	Feb. 21–23	8:30 a.m	Captiol Holiday Inn, Washington, D.C.
Visual Sciences A, Dr. Luigi Giacometti, 301–435–1246.	Feb. 21–23	8:30 a.m	Doubletree Hotel, Rockville, MD.
Visual Sciences C, Dr. Carole Jelsema, 301–435–1248.	Feb. 14–15	8:00 a.m	Omni Shoreham Hotel, Washington, DC.
This notice is being published less than 15 days prior to the above meeting due to the partial shutdown of the Federal Government and the urgent need to meet timing limitations imposed by the review and funding cycle.			
Surgery, Radiology and Bioengineering Initial Review Group			
Diagnostic Radiology, Dr. Eileen Bradley, 301–435–1178.	Feb. 26–27	8:00 a.m	Holiday Inn, Georgetown, DC.
Surgery & Bioengineering, Dr. Paul Parakkal, 301–435–1172.	Mar. 25–26	8:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Surgery, Anesthesiology & Trauma, Dr. Gerald Becker, 301–435–1750.	Feb. 21–22	3:00 p.m	Holiday Inn, Bethesda, MD.

The meetings will be closed in accordance with the provisions set forth in sec. 552b(c) (4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 5, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–2812 Filed 2–8–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. FR–3917–N–41]

Notice of Proposed Information Collection for Public Comment

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

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 30, 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: Oliver Walker, Housing, Department of Housing & Urban Development, 451–7th Street, SW., Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: George Russell, Telephone Number (202) 708–2022 or Donald Kline, Telephone Number (202) 708–1994 (these are not toll-free numbers) 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).

The Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality,

utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collected techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgage Record Change, form HUD–92080.

OMB Control Number: 2502–0422.

Description of the need for the information and proposed use: The Secretary of HUD, according to Multifamily Housing Property Disposition (MFPD) Reform Act of 1994 (section 203(e)(1), is authorized under certain circumstances to enter into contracts under section 8 of the United States Housing Act of 1937, with owners of multifamily housing projects. 24 CFR 886, Subpart C authorizes the use of the Housing Assistance Payment (HAP) contract, Part II as the administrative mechanism to provide Section 8 housing assistance to purchasers of HUD-owned and foreclosure sale multifamily projects. The HAP Contract, Part II HUD–52522D) is a legal document, which as the administrative mechanism to provide Section 8 housing assistance from the Federal Government to the owner, commits the owner to HUD regulations and procedures governing the purpose and use of Section 8 assistance funds.

Agency Form Numbers: form HUD–92080.

Members of Affected Public: An estimation of the total numbers of hours needed to prepare the information collection is 222,600, the number of respondents is 9,062, frequency of response is 245.6, and the hours per response is .1.

Status of the Proposed Information Collection: Extension with change.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 30, 1996.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 96–2859 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. FR–3917–N–39]

Notice of Proposed Information Collection for Public Comment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 9, 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: Oliver Walker, Housing, Department of Housing & Urban Development, 451—7th Street SW., Room 9116, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Oliver Walker, Telephone number (202) 708–1694 (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).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Request for Alternative Construction (''No .)

OMB Control Number: 2502–0302.

Description of the need for the information and the proposed use: The FHA single-family maximum mortgage limit is established as 38 percent of Freddie Mac conforming limits (currently $77,197), but may increase up to 75 percent of these limits (currently $152,362) in high cost areas. HUD will raise the limits above the 38 percent ceiling if housing sales price data is received from interested parties (primarily homebuilders, mortgage lenders, and realtors) which justifies an increase.

Agency form numbers: Not applicable.

Members of affected public: Individuals or households.

An estimation of the total numbers of hours needed to prepare the information collection is 3,200, number of respondents is 80, frequency of response is on occasion, and the hours of response is forty hours.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 23, 1996.

Nicolas P. Retsinas,

A/S Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 96–2858 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–27–M

[Docket No. FR–3917–N–42]

Government National Mortgage Association

Notice of Proposed Information Collection for Public Comment

AGENCY: Government National Mortgage Association, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due: April 9, 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: Sonya K. Suarez, Government National Mortgage Association, Office of Policy, Planning, and Risk Management, Department of Housing & Urban Development, 451–7th Street SW., Room 6222 Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Sonya K. Suarez, on (202) 708–2884 (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. Chapter 35, as amended.

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and charity of the information to be collected; (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Commitment To Guarantee Mortgage-Backed Securities.

OMB Control Number. 2503–001.

Description of the need for the information and proposed use: This form is used by Mortgage-Backed Securities Issuers to apply for Ginnie Mae Commitment Authority to guarantee mortgage-backed securities.

Agency form numbers: HUD 11704.

Members of affected public: Business or other for-profit and the Federal Government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:
Number of respondents—650
Frequency of responses
(approximately)—4 per year
Total annual responses—2600
Hours per response—.25 hrs.
Total Hours—650.

Status of the proposed information collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: January 31, 1996.

George S. Anderson,

Acting Executive Vice President, Government National Mortgage Association.

[FR Doc. 96–2857 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–01–M

Office of Administration

[Docket No. FR–3917–N–40]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (7) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 29, 1996.

David S. Cristy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Mortgagee's Application for Insurance Benefits (Multifamily Mortgage).

Office: Housing.

OMB Approval Number: 2502–0419.

Description of the Need for the Information and its Proposed Use: This report collects data required for cancellation of multifamily mortgage insurance contracts and payments of mortgage insurance premiums. Any lender or mortgagee filing a claim for multifamily insurance benefits is affected.

Form Number: HUD–2747.

Respondents: Business or Other For-Profit, the Federal Government, and State, Local, or Tribal Government.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–2747	215		1		.17		36

Total Estimated Burden Hours: 36.

Status: Extension, no changes.

Contact: Betty Belin, HUD, (202) 708–0614 x2807; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: January 29, 1996.

[FR Doc. 96–2860 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–01–M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. FR–3878–N–04]

Announcement of Funding Awards Fair Housing Initiatives Program FY 1995

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of FY 1995 funding awards made under the Fair Housing Initiatives Program (FHIP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing.

FOR FURTHER INFORMATION CONTACT: Maxine Cunningham, Director, Office of Fair Housing Initiatives and Voluntary Programs, Room 5234, 451 Seventh Street, SW., Washington, D.C. 20410–2000. Telephone number (202) 708–0800. A telecommunications device (TDD) for hearing and speech impaired persons is available at (202) 708–9300. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–19 (The Fair Housing Act), charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate with State and local agencies administering fair housing laws and to cooperate with and render technical assistance to public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616 note, established the FHIP to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. This program assists projects and activities designed to enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. Implementing regulations are found at 24 CFR Part 125.

The FHIP has four funding categories: the Administrative Enforcement Initiative, the Education and Outreach Initiative, the Private Enforcement Initiative, and the Fair Housing Organizations Initiative.

In the FY 1995 FHIP Notice of Funding Availability (NOFA) published in the Federal Register on April 11, 1995 (60 FR 18444), the Department announced the availability of up to $14,580,530 for funding of FY 1995 awards. This Notice announces the award of these FY 1995 funds to fifty-nine recipients who had applied under the FY 1995 NOFA.

The Department reviewed, evaluated and scored the applications received based on the criteria in the FY 1995 FHIP NOFA. As a result, HUD has funded the applications announced in Appendix A, and in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing details concerning the recipients of funding awards in Appendix A of this document.

Dated: January 29, 1996.

Elizabeth K. Julian,

Acting Assistant Secretary for Fair Housing and Equal Opportunity.

APPENDIX A.—FY 95 FAIR HOUSING INITIATIVES PROGRAM AWARDS

Applicant name and address	Contact name and phone number	HUD region	Single or multi-year	Final award amount
Administrative Enforcement Initiative				
Massachusetts Commission Against Discrimination, One Ashburton Place, Room 601, Boston, MA 02108.	Michael T. Duffy, Chairman (617) 727–3990.	1	S	$108,614.84
Massachusetts Commission Against Discrimination, One Ashburton Place, Room 601, Boston, MA 02108.	Michael T. Duffy, Chairman (617) 727–3990.	1	S	174,245.50
Rhode Island Commission for Human Rights, 10 Abbott Park Place, Providence, RI 02903.	Gene L. Booth, Executive Director (401) 277–2661.	1	S	123,370
Maryland Commission on Human Relations, 6 St. Paul Street, Baltimore, MD 21202.	Jennifer Burdick, Executive Director (410) 767–8600.	3	S	142,543
Pennsylvania Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17105–3145.	Homer C. Floyd, Executive Director (717) 783–8274.	3	S	414,600
Indiana Civil Rights Commission, 100 N. Senate Ave., Room N103, Indianapolis, IN 46204.	Sandra D. Leek, Executive Director (317) 232–2600.	5	S	135,420
Ohio Civil Rights Commission, 220 Parsons Avenue, Columbus, OH 43215–5385.	Joseph T. Carmichael, Executive Director (614) 466–2785.	5	S	274,200
Fort Worth Human Relations Commission, 1000 Throckmorton Street, Fort Worth, TX 76102.	Michael D. Ivey, Interim Executive Director (817) 871–7525.	6	S	109,231
Texas Commission on Human Rights, Building B, Suite 525, 8100 Cameron Road, Austin, TX 78754.	William Hale, Executive Director, (512) 837–8534.	6	S	124,966
Iowa Civil Rights Commission, 211 East Maple, c/o Grimes Building, Des Moines, IA 50319.	Don Grove, Executive Director (515) 281–8084.	7	S	273,326
Montana Human Rights Commission, 616 Helena Avenue, Helena, MT 59624.	Anne MacIntyre, Administrator (406) 444–4342.	8	S	235,846
Arizona Attorney General's Office, 1275 West Washington, Phoenix, AZ 85007.	Cecil B. Patterson, Chief Counsel (602) 542–1401.	9	S	331,808
City of Tacoma Human Rights Dept., 747 Market Street, Room 808, Tacoma, WA 98402–3779.	Allen Correll, Executive Director (206) 591–5151.	10	S	97,639
Washington State Human Rights Commission, 711 S. Capitol Way, Suite 402, Olympia, WA 98504–2490.	Merritt D. Long, Executive Director (360) 753–2558.	10	S	394,516

APPENDIX A.—FY 95 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	HUD region	Single or multi-year	Final award amount
Education and Outreach Initiative—National Program Component				
State University of New York, Sponsored Programs Administration, The UB Commons, 520 Lee Entrance, Suite 211, Amherst, NY 14228.	Thomas E. Headrick, Provost (716) 645–2992.	2	S	$199,543
National Community Reinvestment Coalition, 1875 Connecticut Ave, NW, Suite 1010 Washington, DC 20009.	John Taylor, President (202) 986–7898	3	S	411,238
National Neighbors, Inc., 1875 Connecticut Ave, NW, Suite 1010, Washington, DC 20009.	John Taylor, President (202) 986–7898	3	S	430,812
National Fair Housing Alliance, Suite 600, 927 15th Street, N.W., Washington, DC 20005.	Shanna L. Smith, Executive Director (202) 898–1661.	3	S	1,131,301
Fair Housing Council, 835 W. Jefferson St., Suite 100, Louisville, KY 40202.	Galen Martin, Executive Director (502) 583–3247.	4	S	97,534
North Carolina State University, Office of Sponsored Programs, P.O. Box 7003, Raleigh, NC 27695–7003.	Linda F. Jackson, Director (919) 515–2444	4	S	221,242
John Marshall Law School, Fair Housing Legal Support Center, 315 S. Plymouth Court, Chicago, IL 60604–3907.	Robert G. Johnson Dean (312) 987–1446 .	5	S	239,255
Pacific Non-Profit Training Center, 4039 N. Overlook Terrace, Portland, OR 97227.	Vikki Rennick, Executive Director (503) 287–1535.	10	S	350,130
Education and Outreach Component—Regional/Local Component				
Arc of Massachusetts, 217 South Street, Waltham, MA 02154,.	Leo V. Sarkissian, Executive Director (617) 891–6270.	1	S	149,625
Housing Discrimination Project, Inc., 57 Suffolk Street, Holyoke, MA 01040.	Peggy Maisel, Executive Director (413) 539–9796.	1	S	99,139
Massachusetts Commission Against Discrimination, One Ashburton Place, Room 601, Boston, MA 02108.	Michael T. Duffy, Chairman (617) 727–3990.	1	S	58,707.35
Asian Americans for Equality, Inc., 176–180 Eldridge Street, New York, NY 10002.	Christopher Kui, Executive Director (212) 677–7210.	2	S	310,995
Black River Housing Council, Inc., 1035 Coffeen Street, Watertown, NY 13601.	Kyle MacCallum, Executive Director (315) 788–6997.	2	S	50,000
New York State Division of Human Rights, 55 West 125th Street—13th Floor, New York, NY 10027.	Edward Mercado, Commissioner (212) 961–8790.	2	S	110,000
Open Housing Center, Inc., 594 Broadway, Suite #608, New York, NY 10012.	Sylvia Kramer, Executive Director (212) 941–6101.	2	S	261,499
Westchester Residential Opportunities, Inc., 470 Mamaroneck Ave, Suite 410, White Plains, NY 10605.	Miriam Buhl, Executive Director (914) 428–4507.	2	S	55,952
Golden Triangle Radio Information Center, Inc., 2100 Wharton St, Suite 140, Pittsburgh, PA 15203.	William Pasco, General Manager (412) 488–3944.	3	S	85,366
Greater Birmingham Fair Housing Center, 2000—1st Avenue N, Suite 529, Birmingham, AL 35203.	Dr. Bobby M. Wilson, President (205) 324–0111.	4	S	147,624.34
Tennessee Association of Legal Services, Legal Aid Projects, 211 Union Street, Suite 833, Nashville, TN 37201–1586.	Stewart Clifton, Executive Director (615) 242–0438.	4	S	90,060
Chicago Mayor's Office of People With Disabilities, 2102 W. Ogden Avenue, Chicago, IL 60612.	Lawrence J. Gorski, Special Assistant to the Mayor (312) 744–7209.	5	S	146,838
Leadership Council for Metropolitan Open Communities, 401 South State Street, Suite 860, Chicago, IL 60605.	Aurie A. Pennick, President (312) 341–5678.	5	S	88,000
The Cuyahoga Plan of Ohio, 705 The Leader Building, Cleveland, OH 44114.	Michael D. Roche, Executive Director (216) 621–4525.	5	S	329,986
Kansas Human Relations Association, 300 West Ash, P.O. Box 736, Salina, KS 67402–0736.	Will A. Burnett, Executive Director (913) 826–7330.	7	S	95,122
Colorado Coalition for the Homeless, 2100 Broadway, Denver, CO 80205.	John Parvensky, Executive Director (303) 293–2217.	8	S	108,894
City and County of San Francisco Human Rights Commission, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102–6033.	Edwin M. Lee, Director (415) 252–2500	9	S	151,891
National Center for Youth Law, 114 Sansome St, Suite 900, San Francisco, CA 94104–3820.	John F. O'Toole, Director (415) 543–3307	9	S	197,718
Protection and Advocacy, Inc., 100 Howe Avenue, Suite 185N, Sacramento, CA 95825–8202.	Catherine Blakemore, Executive Director (916) 488–9955.	9	S	309,225
Southern Arizona Housing Center, P.O. Box 2441, Tucson, AZ 85702–2441.	Charlotte Wade, Executive Director (602) 798–1568.	9	S	225,000
Eugene, Springfield, Cottage Grove, Junction City, Harrisburg, Monroe, Central Oregon Coast CHRB, P.O. Box 10934, Eugene, OR 97440.	Charles Ellis, Chairperson (503) 746–3270	10	S	131,316

APPENDIX A.—FY 95 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	HUD region	Single or multi-year	Final award amount
Education and Outreach Initiative—Community-Based Component				
West Jackson Community Development Corporation, 1060 John R. Lynch Street, Jackson, MS 39203.	Howard Boutte, Jr., Executive Director (601) 352–6993.	4	S	139,570
Iowa Citizens for Community Improvement, 2301 Forest Avenue, Des Moines, IA 50311.	Joe Fagan, Director (515) 266–5213	7	S	62,047
Private Enforcement Initiative				
Lawyers' Committee for Civil Rights Under Law of the Boston Bar Assn., 294 Washington Street, Suite 940, Boston, MA 02108.	Ozell Hudson, Jr., Executive Director (617) 482–1145.	1	M	599,104
HOPE Fair Housing Center, 2100 Manchester Road, Suite 1070—Building B, Wheaton, IL 60187.	Bernard J. Kleina, Executive Director (708) 690–6500.	5	M	596,100
Metropolitan Milwaukee Fair Housing Council, 600 East Mason Street, Suite 200, Milwaukee, WI 53202.	William R. Tisdale, Executive Director (414) 278–1240.	5	M	600,000
Legal Aid Society of Albuquerque, Inc., 121 Tijereas, N.E., Suite 3100, Albuquerque, NM 87102.	Karen J. Meyers, Executive Director (505) 243–7871.	6	M	600,000
Fair Housing of Marin, 88 Belvedere St, Suite A–1, San Rafael, CA 94901.	Nancy Kenyon, Executive Director (415) 457–5025.	9	M	577,419
Fair Housing Organizations Initiative—Continued Development Component				
Housing Discrimination Project, Inc., 57 Suffolk Street, Holyoke, MA 01040.	Peggy Maisel, Executive Director (413) 539–9796.	1	S	86,642
New Hampshire Legal Assistance, 15 Green Street, Concord, NH 03301.	Robert Gross, Executive Director (603) 225–4700.	1	S	113,528
Open Housing Center, Inc., 594 Broadway, Suite 608, New York, NY 10012.	Sylvia Kramer, Executive Director (212) 941–6101.	2	S	246,430
Fair Housing Council of Greater Washington, 927 15th St., NW, Washington, DC 20005.	David Berenbaum, Executive Director (202) 289–5360.	3	S	332,850
North Carolina Fair Housing Center, P.O. Box 28958, 224 S. Dawson St., Raleigh, NC 27611.	Stella Adams, Executive Director (919) 856–2166.	4	S	37,348
Legal Aid Society of Minneapolis, 430 First Avenue North, Suite 300, Minneapolis, MN 55401–1780.	Jeremy Lane, Executive Director (612) 334–5785.	5	S	179,253
Legal Aid of Western Missouri, 920 Southwest Blvd., Kansas City, MO 64108.	Richard Halliburton, Executive Director (816) 474–6750.	7	S	210,578
Fair Housing Organizations Initiative—Establishing New Organizations Component				
Asian Americans for Equality, Inc., 176–180 Eldridge Street, New York, NY 10002.	Christopher Kui, Executive Director (212) 677–7210.	2	M	500,000
National Fair Housing Alliance, 927 15th Street, N.W., Suite 600, Washington, DC 20005.	Shanna L. Smith, Executive Director (202) 898–1661.	3	M	499,830

[FR Doc. 96–2787 Filed 2–8–96; 8:45 am]
BILLING CODE 4210–28–P

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. FR–3828–N–04]

Public and Indian Housing Tenant Opportunities; Program Technical Assistance; Announcement of Funding Awards for FY 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Notice of Funding Availability (NOFA) for Public and Indian Tenant Opportunities Program (TOP). This announcement contains the names and addresses of the award winners and the amount of the awards.

FOR FURTHER INFORMATION CONTACT: Christine Jenkins or Barbara J. Armstrong, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4112, Washington, DC 20410; telephone: (202) 708–3611. Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service on 1–800–877–TDDY (1–800–877–8339) or (202) 708–9300 for information on the program. (Other than the ''800'' TDD number, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Tenant Opportunities Program is authorized under section 20 of the United States Housing Act of 1937. The purpose of TOP is to expand the range of the resident-managed activities, so that resident organizations can set priorities based on the needs in their

communities. The program provides assistance to Resident Councils, Resident Management Corporations, Resident Organizations, National Resident Organizations, Regional Resident Organizations, and Statewide Resident Organizations, to fund training and other tenant opportunities, such as the formation of such entities, identification of the relevant social support needs, and securing of such support for residents of public and Indian housing.

The Fiscal Year 1995 competition was announced in a NOFA published in the Federal Register on March 1, 1995 (60 FR 11222). An amendment to the March 1, 1995 NOFA was published in the Federal Register on April 18, 1995 (60 FR 19406). The NOFA announced the availability of $25 million for use in expanding the range of the resident-managed activities. Applications were scored and selected for funding based on criteria contained in the Notice.

In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the names and addresses of the resident and tenant associations which received funding under this NOFA, and the amount of funds awarded to each. This information is provided in Appendix A to this document.

Dated: January 31, 1996.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FOURTH QUARTER FINAL FUNDING DECISIONS

[Program Name: Tenant Opportunities Program Technical Assistance Grant; Statute: Public Law 100–42, February 5, 1988]

Funding recipient (Name and address)	Amount approved
Nelton Court Tenant Association, 128 Nelton Court, Hartford, CT 06106–1860	$98,900
Franklin Hill Tenant Task Force, One Shandon Rd. #376, Dorchester, MA 02124	100,000
Washington Beech Tenant Association, 35 Beechland St., Roslindale, MA 02131–2302	100,000
Newtowne Court Resident Council, Cambridge, MA 02139	100,000
Manahan Village Resident Council, 23 Clyde Potts Drive, Morristown, NJ 07960	100,000
Seaview Manor Tenants Association, 13 Seaview Manor, Long Branch, NJ 07740–0336	100,000
Alfred Speer Village Resident Council, 45 Aspen Place 8C, Passaic, NJ 07055–5896	100,000
Riverside Terrace Tenants Association, 29 Harris Place, Paterson, NJ 07514	100,000
United Edison Residents Association, Willard Dunham, Edison, NJ 08837–3560	100,000
Pulaski Court Residents Association, 71 Daniel P. Conte C, Garfield, NJ 07026–2499	100,000
Buffalo Public Housing Resident Council Corp., 124 Fulton St., Suite 3F, Buffalo, NY 14204–2299	60,000
Columbia Apartments Resident Association, 41 North Second Street, Hudson, NY 12534–2415	100,000
Steinmetz Homes Resident Association, Inc., 249 Steinmetz Homes, Schenectady, NY 12304	100,000
Family Sites Tenant Council, 141 Fifth Street, Ithaca, NY 14850–5353	100,000
Resident Empowered Action Council of Troy, 2100 Sixth Avenue, Troy, NY 12180–1498	100,000
Titus Towers Tenant Council, 800 South Plain Street, Ithaca, NY 14850–5353	100,000
Rochester Housing City-Wide Resident Council, Rochester, NY 14611–2744	100,000
Beach 41st Tenant Association, 456 Beach 40th Street, Far Rock, NY 11691	100,000
Walt Whitman Tenant Association, 149 North Portland Ave 2A, Brooklyn, NY 11205	100,000
Gowanus Housing Tenant Association, 235 Hoyt St. Apt. 9–A, New York, NY 11217	100,000
Williamsburg Housing Tenant Association, 185 Ten Eyck Walk, #3B, Brooklyn, NY 11206	100,000
Tompkins Houses Tenant Union, 65 Tompkins Ave. #2C, Brooklyn, NY 11206	100,000
Clay Avenue Tenant Association, 1236 Clay Avenue, Apt. 1A, Bronx, NY 10456–516	100,000
Ralph J. Rangel Tenant Association, 159–64 Harlem River Dr.7C, New York, NY 10039	100,000
Farragut Tenants Association, 288 York Street, Brooklyn, NY 11201	100,000
Cooper Park Houses Tenants Association, 60 Kingsland Ave., #1E, Brooklyn, NY 11211–1542	100,000
Borinquen Plaza Tenant Union, 110 Humboldt Street, #3C, Brooklyn, NY 11206	100,000
Langston Terrace Resident Council, 705 Langston Terrace, NE, Washington, DC 20002–7599	100,000
Arthur Capper Senior Resident Council, 601 L Street, SE #520, Washington, DC 20003	100,000
James Apartment Resident Council, 1425 N Street, NW, Washington, DC 20005	97,000
Benning Terrace Resident Council, 4741 Alabama Ave., Washington, DC 20019	100,000
Kentucky Courts Senior Resident Council, 1343 C Street, SE #31, Washington, DC 20003	100,000
Highland Dwellings Resident Council, 764 Atlantic Street, SE, Washington, DC 20032	100,000
High Rise Resident Council, 2700 N. Market Street 917, Wilmington, DE 19802	100,000
Electra Arms Apartments, 1800 Broom Street 1014, Wilmington, DE 19802	100,000
Dover Resident Advisory Council, 430 New Castle Avenue, Dover, DE 19901–3437	60,000
Thomas Herlihy Jr. Resident Council, 320 E. Fifth Street 710, Wilmington, DE 19802	100,000
Scattered Sites Resident Council, 2802 N. Tatnall Street 5, Wilmington, DE 19802	100,000
Compton Towers Resident Council, 325 E. 5th St. Apt 9M, Wilmington, DE 19802	100,000
Crestview Resident Council, 2700 N. Market St. Apt 917, Wilmington, DE 19802	100,000
Lincoln Towers Resident Council, 1625 Gilpin Avenue 8–C, Wilmington, DE 19806	100,000
Bernard E. Mason Tenant Council, 2121 Windsor Garden Lane, Baltimore, MD 21207	100,000
Gilmore Tenant Council, 1640 Balmor Court, Baltimore, MD 21202	100,000
The Brentwood Tenant Council, 401 East 25th Street, Baltimore, MD 21218	100,000
Westport/Mt. Winans Resident Council, 2443 Norfolk Street, Baltimore, MD 21230	100,000
Rehab Resident Association, 1605 East 33rd Street, Baltimore, MD 21218	100,000
The West Twenty Tenant Council, 11 West 20th Street, Baltimore, MD 21218	100,000
Sheldon Park Resident Council, 480 Park Avenue, Natrona Ht, PA 15065	60,000
Mill Creek Resident Council, 4619 Fairmount Ave., Philadelphia, PA 19139	100,000
Cecil B. Moore Resident Council, 3479 West Huntingdon Ave., Philadelphia, PA 19132	100,000
Haddington Homes Tenant Council, 5503 Winter Place, Philadelphia, PA 19139	100,000
Fairhill Apts Resident Council, 1018 W. Cumberland St., Philadelphia, PA 19133	100,000

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FOURTH QUARTER FINAL FUNDING DECISIONS—Continued

[Program Name: Tenant Opportunities Program Technical Assistance Grant; Statute: Public Law 100–42, February 5, 1988]

Funding recipient (Name and address)	Amount approved
Bentley Hall Resident Council, 1710 N. Croskey Street, Philadelphia, PA 19121	100,000
Church and Farnum Residents Organization, 33 E Farnum St720, Lancaster, PA 17602–4253	60,000
Tenants for Fair Housing Resident Council, 501 N. Pershing Ave. 8B, York, PA 17404	100,000
West Park Plaza Resident Council, 4600 Fairmount Avenue, Philadelphia, PA 19139	100,000
Arch Homes Resident Council, 114 N. Allison Street, Philadelphia, PA 19139	100,000
Mantua Hall Resident Council, 3500 Fairmount Ave. Apt 508, Philadelphia, PA 19104	100,000
Tasker Homes Resident Council, 3103 Fernon Drive, Philadelphia, PA 19145	100,000
Holmecrest Homes Resident Council, 8133 Erdrick Place, Philadelphia, PA 19145	100,000
Paschall Tenant Council, 2230 S. 72nd Street, Philadelphia, PA 19142	100,000
Norris Homes Resident Council, 1915 North 11th Street, Philadelphia, PA 19122	100,000
Wilson Park Tenant Council, 2500 Jackson Street, Philadelphia, PA 19145	100,000
Katie B. Jackson Tenant Council, 400 N. 50th Street #414, Philadelphia, PA 19139	100,000
Germantown House Tenant Council, 5457 Wayne Avenue Gd. Fl., Philadelphia, PA 19144	100,000
North Hills Resident Council, 315 Logan Avenue, North Hills, PA 19038	100,000
Grandy Village RMC, 705 Kimball, Norfolk, VA 23504	60,000
Norfolk Resident Organization, 2411 E.Prince, Norfolk, VA 23504	100,000
Severt/Holston League of Residents, 237 Miller Avenue, Marion, VA 24354	100,000
Dickerson Courts Tenant Council, 520 21st St, Newport News, VA 23607	100,000
North Birmingham Resident Council, 3127 43rd Avenue, Birmingham, AL 35207	100,000
Metropolitan Gardens Tenant Council, 2411 D Sixth Ave No., Birmingham, AL 35203	100,000
Greensboro Resident Council, 101 Centerville Cir, Greensboro, AL 36744	100,000
Elyton Village Resident Council, 31 Fourth Court West, Birmingham, AL 35203	100,000
Uniontown Housing Authority Resident Council, P.O. Box 1160, Uniontown, AL 36786–0633	100,000
Martin Luther King Village Resident Council, P.O. Box 389, Eutaw, AL 35462–0389	100,000
Liberty Square Concerned Resident Association, 6503 NW 14th Court, Miami, FL 33147	100,000
Perrine Gardens Resident Council, 10022 W Evergreen Street, Perrine, FL 33157	100,000
United Resident Council of HA of Ft. Lauderdale, 2300 NW 16th St. #36, Fort Lauderdale, FL 33311	100,000
Resident Initiative Council of Bethune Village, 814 Bethune Village, Daytona Beach, FL 32114	100,000
Lake Wales Tenant Association, 750 Old Scenic Hwy. #22, Lake Wales, FL 33853	100,000
Ely Estates/Turner Ridge Tenants Association, 1650 NW 7th Avenue #53, Pompano Beach, FL 33060	100,000
Annie M. Coleman Resident Council, 5200 NW 22nd Avenue, Miami, FL 33142	100,000
Smathers Plaza Resident Association, 935 SW 30th Avenue #1408, Miami, FL 33135	100,000
Three Round Towers Resident Council, 2870 NW 18th Avenue, Miami, FL 33142	100,000
Modello Resident Association, 28450 SW 152nd Avenue, Homestead, FL 33032	100,000
Edison Park Plaza Resident Council, 200 NW 55th Street, Miami, FL 33127	100,000
Orange Avenue United Tenants Association, 1700 Joe Louis St. #165, Tallahassee, FL 32304	100,000
South Miami Resident Association, 6701 SW 62nd Avenue, Miami, FL 33143	100,000
Culmer Place/Culmer Gardens Resident Association, 801 NW 7th Avenue, Miami, FL 33136	100,000
Biscayne Plaza Resident Council, 15201 SW 288th Street, Homestead, FL 33030	100,000
Pine Island Resident Council, 26860 SW 128 Avenue, Naranja, FL 33032	100,000
Arthur Mays Villas Resident Council, 11341 SW 216 Street, Goulds, FL 33170	100,000
Claude Pepper Resident Association, 750 NW 18th Terrace #1006, Miami, FL 33136	100,000
Robert King High Resident Association, 1403 NW 7th Street #205, Miami, FL 33125	100,000
Carver Annex Resident Council, 7430 NW 19th Avenue #A, Miami, FL 33142	15,813
Southridge I & II Resident Council, 11246 SW 191 Lane, Miami, FL 33157	100,000
Edison Courts Residents Association, 325 NW 62nd Street, Miami, FL 33150	100,000
Ward Towers Resident Council, 2200 NW 54th Street, Miami, FL 33142	100,000
Twin Lakes Resident Council, 1215 NW 95th Street, Miami, FL 33150	100,000
Singer Plaza Resident Council, 1310 NW 16th Avenue #202, Miami, FL 33125	100,000
Palm Courts/Towers Resident Council, 930 NW 95th Street, Miami, FL 33150	100,000
Graham/Rogal Resident Management Corporation, 300 10th Street South, St. Petersburg, FL 33705	100,000
Englewood Manor Resident Mgmt. Corp., 379 Climax Street SE, Atlanta, GA 30315	60,500
Carver Homes Resident Association, 1584 Wilcox St. NE, Atlanta, GA 30315	22,000
University/John Hope Hms Res. Mgmt. Corp, 669 Larkin Street SW, Atlanta, GA 30314	41,000
Red Oak Resident Association, 4443 Campbell Drive, College, GA 30349	100,000
Allen Road Midrise Tenant Association, 144 Allen Rd NE 516, Atlanta, GA 30328	100,000
Alma Resident Council, P.O. Box 363, Alma, GA 31510	100,000
Juniper & Tenth Street Resident Association, 150 Tenth Street NE, Atlanta, GA 30309	60,000
Clarksdale Resident Corporation, 549 Marshall Court #40, Louisville, KY 40202	100,000
Bluegrass-Aspendale Resident Council, 733 Breckenridge St., #1, Lexington, KY 40508	100,000
Natchez Housing Resident Council, Inc., 160 St. Catherine St, Natchez, MS 39120	100,000
Aberdeen Housing Resident Council, Inc., P.O. Box 69, Aberdeen, MS 39730	100,000
Greenwood Housing Authority Resident Council, Inc., P.O. Box 1847, Greenwood, MS 38935–1847	60,000
Triangle Homes Resident Council, P.O. Box 2910, Laurel, MS 39442	100,000
Meridian Resident Housing Council, P.O. Box 870, Meridian, MS 39302–0870	60,000
Forest City HA Resident Council, A204 Spruce St., Forest City, NC 28043	100,000
J.J. Henderson Housing Center Resident Council, 807 Duke St., Durham, NC 27701	100,000
Resident Council, Inc., 100 Atkingson St. #33D, Asheville, NC 28801	100,000
Oxford Manor Resident Council, 3818 Dearborn Drive, Durham, NC 27704	100,000

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FOURTH QUARTER FINAL FUNDING DECISIONS—Continued

[Program Name: Tenant Opportunities Program Technical Assistance Grant; Statute: Public Law 100–42, February 5, 1988]

Funding recipient (Name and address)	Amount approved
Jardines De San Carolos Resident Council, Bldg 4, Apt 34, Caguas, PR 00725	100,000
Monte Hatillo Resident Council, Bldg 16, Apt 184, Rio Piedras, PR 00924	100,000
Jardines Del Almendro Resident Council, Bldg 2, Apt 6, Maunabo, PR 00707	100,000
Brisas De Cayey Resident Council, Bldg 1, Apt 2, Cayey, PR 00736	100,000
Praxedes Santiago Resident Council, Praxedes Santiago Hsg Pro, Cidra, PR 00739	100,000
Raul Castellon, Inc., Resident Council, Ave Troche Admin. Office, Caguas, PR 00725	100,000
Alturas De Montellano Resident Council, Block 6 #30, Cayey, PR 00736	100,000
Bonneville Heights Resident Council, Bldg 3, Apt 45, Caguas, PR 00725	100,000
Alturas Del Cibuco Resident Council, P.O. Box 1423, Corozal, PR 00783	100,000
Florida Housing Resident Council, Apartment B–1, Florida, PR 00650	100,000
El Dorado Resident Council, Bldg 6, Apt 46, Dorado, PR 00646	100,000
Luis Pales Matos Resident Council, Luis Pales PH Project, Guayama, PR 00784	100,000
Carmen Hernandez VDA De Martorell Resident Council, Bldg 6, Apt 38, Maunabo, PR 00707	100,000
Jose Tormos Diego Resident Council, Bldg. 10, Apt 153, Ponce, PR 00731	100,000
Ponce De Leon Resident Council, Ave., Roosevelt Apt E #119, Ponce, PR 00731	100,000
Atrevete, Inc., Loiza Street #2665, San Juan, PR 00914	100,000
Villa Del Rey Resident Council, Bldg 8, Apt 63, Caguas, PR 00725	100,000
La Providencia Resident Council (LLorens Torres), Bldg 39, Apt 800, San Juan, PR 00915	100,000
Carioca Resident Council, Bldg 32, Apt 183, Guayama, PR 00784	100,000
Zenon Diaz Valcarcel Resident Council, Diego Vega Ave.-Bo Amelia, Guaynabo, PR 00965	100,000
La Ceiba Unidos En Accion Resident Council, La Ceiba Housing Project, Ceiba, PR 00735	100,000
Dr. Manuel Zeno Gandia Resident Council, Bldg D–5, Apt 362, Arceibo, PR 00612	100,000
Antonio Marquez Arbona Resident Council, PO Box 1033, Arecibo, PR 00613	100,000
Ponce Housing Resident Council, Bldg 19, Apt 3, Ponce, PR 00731	100,000
Jardines De Caparra Resident Council, Bldg 3, Apt. 77, Bayamon, PR 00959	100,000
Nuestra Senora De Covadonga Resident Council, Road 486 Bldg 20, Apt. 301, Trujillo Alto, PR 00976	100,000
Trina Padilla De Sanz Resident Council, Bldg 11, Apt. 747, Arecibo, PR 00612	100,000
Pedro J. Rosaly Resident Council, Roosevelt Ave., Bldg 165, 15, Ponce, PR 00731	100,000
West Riverside Resident Association, 109 Lyndon Street, Mcminnville, TN 37110	60,000
West Mesa Housing Management Corporation, P.O. Box 572, Many Farms, AZ 86538	30,000
Southwind Tenant Council, 407 Melrose, Aurora, IL 60505	100,000
Joann Dorsey Resident Council, 1113 Dorsey, Champa, IL 61821	60,000
Randolph Towers Resident Organization, 6217 S. Calumet, Chicago, IL 60637	100,000
Neighbor to Neighbor Resident Council, 109 Van Wyck, Carterville, IL 62918–0045	100,000
Owasco Resident Council, 6 Clifford Ct., Elgin, IL 60123	100,000
Lee Wright Resident Council, 80 Circle Dr., Venice, IL 62040	100,000
New Horizons Resident Council, Rt 5, Apt 12A, Murphysboro, IL 62901	100,000
Lowden Homes Resident Council, 206–A W 95th St, Chicago, IL 60628	100,000
Lake Heights Residents Organ., 300 N 7th St, Murphysboro, IL 62966	100,000
Miller Manor Resident Organization, 727 Miller Avenue, Ann Arbor, MI 48103	100,000
Parkside Resident Council, 615 East Hovey Ave, Muskegon Heights, MI 49444	100,000
Countryside Manor Resident Council, 14379 Webster Road, Bath, MI 48808	100,000
Resident Management Corp. Model Pilot Highrise, 1707 Third Ave. S., Minneapolis, MN 55404	49,030
City-Wide Resident Council of St. Paul, 1575 Ames Ave., St. Paul, MN 55106	60,000
Minneapolis Highrise Representative Council, 630 Cedar Av, S 1707, Minneapolis, MN 55454	100,000
Millvale Resident and Community Council, 1901–3 Millvale Ct, Cincinnati, OH 45225–1210	100,000
Beacon Glen Resident Council, 6349 Beechmont Ave, Cincinnati, OH 45230	99,361
Noah East Estate, 1389 Ansel Road, Cleveland, OH 44104–0000	100,000
Willson LAC, 5542 Perkins, Cleveland, OH 44104–0000	100,000
Miles Elmarge Apartments LAC, 10304 Miles Avenue, Cleveland, OH 44105–0000	100,000
Springbrook Estate LAC, 1675 Ansel Road, Cleveland, OH 44102–0000	100,000
Crestview Apartments LAC, 1300 Crestview Ave., Cleveland, OH 44109–0000	100,000
Olde Cedar Family Estate LAC, 2408 Cedar Ave. #262, Cleveland, OH 44115–0000	100,000
Garden Valley Estate LAC, 7708 Trenton Ave.150, Cleveland, OH 44104–3101	100,000
LaRonde Apartments, 12024 Shaker Blvd. #610, Cleveland, OH 44120–0000	100,000
Lakeview Plaza Tenant Council, 310 West 7th Street, Lorain, OH 44052–2602	100,000
Neighbors in Progress, Southside Gardens, 3040 Vine Avenue, Lorain, OH 44055–0000	100,000
Manhattan Towers LAC, 2885 W. 14th St. #204, Cleveland, OH 44112–0000	100,000
Scranton Castle Apartment Resident Council, 2000 Castle Ave., Cleveland, OH 44113–0000	100,000
Cedar Extension Family Estate LAC, 2726 Central Ave., Cleveland, OH 44115–0000	100,000
Beachcrest Towers, 16800 Lakeshore Blvd, Cleveland, OH 44110–0000	100,000
King Kennedy North Family LAC, 2491 E. 59th St. 208, Cleveland, OH 44104–0000	100,000
Apthorp Tower High-Rise, 12900 Superior Ave., Cleveland, OH 44113–3101	100,000
West Boulevard Place Apartment, 9520 Detroit Ave. 312, Cleveland, OH 44102–0000	100,000
Bohn Tower LAC, 1300 Superior #2204, Cleveland, OH 44114–0000	100,000
Coopermill Manor Resident Council, 506 Shinnick Cir, Zanesville, OH 43701	100,000
Columbus PHA Communities United, 590 Van Buren, Columbus, OH 43223	60,000
New Horizons/Chilli MHA Tenant Council, 178 West Fourth St, Chillicothe, OH 45601	100,000
Parklawn Family Dev. Resident Organization, 4455 W. Congress Avenue, Milwaukee, WI 53218	100,000

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FOURTH QUARTER FINAL FUNDING DECISIONS—Continued

[Program Name: Tenant Opportunities Program Technical Assistance Grant; Statute: Public Law 100–42, February 5, 1988]

Funding recipient (Name and address)	Amount approved
City-wide Public Housing Resident Council, 636 W. Plymouth, Milwaukee, WI 53212	100,000
Westlawn Resident Council, 6125 W. Birch, Milwaukee, WI 53218	100,000
West Memphis HA Resident's Council, 430 S. 26th St., West Memphis, AR 72301–6099	100,000
North Baton Rouge Resident Management, Inc., 999 Rosenwald Rd., Baton Rouge, LA 70807	100,000
Scattered Sites Resident Council, 4100 Royal Street, #1A, New Orleans, LA 70117	100,000
Kenner Resident Association, 1013 31st Street, Kenner, LA 70065	100,000
Raton Resident Council, 128 Toller Drive, Raton, NM 87740–0297	100,000
Cerro Encantado Family Resident Council, 1286 Cerro Gordo, Santa Fe, NM 87501	100,000
Stick Ross Resident Organization, Route 6, Box 3 Stick Ross, Tahlequah, OK 74464	65,000
Woodbrook Estates Homeowners Assoc., Inc., Rt. 7, Lot B–35, Ada, OK 74820	60,000
Ripley Arnold Resident Association, P.O. Box 430, Fort Worth, TX 76101–0430	50,000
Hunter Plaza Resident Association, P.O. Box 430, Fort Worth, TX 76101–0430	100,000
Cedar Springs Resident Council, 2810 Raleigh Pl. #247, Dallas, TX 75219–0000	100,000
Meadowbrook Resident Council, 2301 Wirtz 106, Austin, TX 78762–6159	100,000
Citrus Gardens/Annex/Victoria, 2100 Grapefruit, Brownsville, TX 78521	100,000
Wheatley Courts Resident Council, 906 N Mittman, San Antonio, TX 78202	100,000
Lincoln Heights Courts RA, 1315 N. Elmendorf, San Antonio, TX 78207	100,000
Villa Verammendi Homes RA, 615 Barclay, San Antonio, TX 78207,	100,000
Cassiano Homes Resident Association, 2919 S. Laredo, San Antonio, TX 78207	100,000
San Juan Homes Resident Association, 300 Gante Walk, San Antonio, TX 78207	100,000
S.J. Sutton Homes Resident Association, 329 Dillon Walk, San Antonio, TX 78208	100,000
Oxford Place Mgmt. & Comm. Dev. Corp., 605 Berry Rd. #144, Houston, TX 77022	100,000
Lincoln Park Resident Council, 790 W. Little York #3301, Houston, TX 77091	100,000
Kelley Village Resident Council, 3213 Buck St., Houston, TX 77020	100,000
Cuney Homes Resident Management Corporation, 3200 Truxillo Apt. #101–G, Houston, TX 77004	60,000
Area Wide Resident Council Board, 1016 Bryant, Bryan, TX 77803	100,000
Kemp Street Resident Council, 1508 W. Martin Luther King, Bryan, TX 77803	100,000
Eastside Resident Council, 718 Dansby, Bryan, TX 77803	100,000
Jordan Loop Resident Council, 708 Hernandez, Bryan, TX 77803	100,000
Beck Street Resident Council, 500 Gainer, Bryan, TX 77803	100,000
Grandview Park Manor Association, Kansas City, KS 66101–2197	60,000
Richland Council O.N.E., P.O. Box 714, Richland, MO 65556–0037	100,000
Hall County Resident Council, Inc., 3023 West North Front, Grand Island, NE 68803–4403	60,000
Missoula HA Resident Management Association, 819 Stoddard Street, Missoula, MT 59802	60,000
Northern Heights Resident Council, Box 1126, Glasgow, MT 59230	100,000
Bonneauville Resident Organization, P.O. Box 790, Box Elder, MT 59521	100,000
Little Eagle Resident Organization, P.O. Box 484, Fort Yates, ND 58538	100,000
Porcupine Resident Organization, P.O. Box 484, Fort Yates, ND 58538	100,000
Tsel Bahaa Residential Organization, P.O. Box 1013, Keams Canyo, AZ 86034	100,000
Resident Initiatives Organization Team (RIOT), P.O. Box AW, Parker, AZ 85344	60,730
Belden Village Resident Council, 7777 Belden Vil. Dr., San Diego, CA 92113	100,000
Harbor Hills Resident Council, 329 Harbor Hills, Lomita, CA 90717	100,000
Colonia Village, 226 N. Marquita St., Oxnard, CA 93030–3714	60,000
Redlands Advisory Group, 131 E. Lugonia, Redlands, CA 92410–3854	60,000
Waterman Gardens Resident Advisory Group, 382 Crestview, San Bernardino, CA 92410–3854	60,000
Lockwood Gardens, 1234 65th Ave., Oakland, CA 94621	100,000
Campbell Villa Resident Council, 935 Union Street, Oakland, CA 94607	100,000
Chestnut Court Resident Council, 935 Union Street, Oakland, CA 94607	100,000
Sunnydale Residents Association, 1704 Sunnydale Ave., San Francisco, CA 94134	100,000
El Pueblo Resident Council, 833 El Pueblo, Pittsburg, CA 94565	100,000
Kekaha Ha'aheo Ohana Association, 5220 Paanau Bldg. D, Koloa, HI 96756	99,416
Kuhio Homes Resident Association, 1475 Linapuni, Honolulu, HI 96819	100,000
Onipa'a Tenants Association, 12B Kehale Mua, Maunaloa, HI 96770	99,919
Palolo Tenant Association, 1144 10th Ave., Honolulu, HI 96816	100,000
Waimanalo Housing Resident Association, 41528 Humuniki, Honolulu, HI 96895	99,914
Tse Chiz Bito' Resident Organization, P.O. Box 1373, Cuba, NM 87013	100,000
Dibelchii Dwelling Resident Organization, General Delivery, Brimhall, NM 87310	100,000
Nahodishgish Morgan Valley Estates Org, P.O. Box 369, Crownpoint, NM 87313	100,000
Ernie Cragin Terrace Resident Council, 2410 Ambler Street, Las Vegas, NV 89101	97,666
Igiugig Residents Organization, P.O. Box 4013, Igiugig, AK 99613	75,920
New Stuyahok Resident Organization, P.O. Box 144, New Stuyah, AK 99636	44,195
Levelock Resident Organization, Box 70, Levelock, AK 99625	75,136
Rosewood Homes Resident Council, 902 W. Stanton, Roseburg, OR 97470	87,500
Pineview Resident Council, 212 98th PL, SE, #B, Everett, WA 98208	71,000
Puyallup Nation IHA,RCs, 2002 E. 28th St., Tacoma, WA 98404	100,000

1995 TENANT OPPORTUNITY PROGRAM, TECHNICAL ASSISTANCE GRANTEES FOR NATIONAL/REGIONAL/STATEWIDE RESIDENT ORGANIZATIONS

Grantee	Amount
Ms. Juanita Jackson, National Chairwoman, ACORN Tenant Union, Flatbush Avenue, Brooklyn, NY 11226	$100,000
Mr. Clenton Jones, Executive Director, National Association of Resident Management Corporation, 4524 Douglas Street, NE, Washington, DC 20019	100,000
Mr. Wardell Yotaghan, President, Chicago Association of Resident Management Corporation, 2450 West Monroe, Apartment 109, Chicago, IL 60612	100,000
Mr. Leroy Mitchell, President, Navajo Nation Regional Resident Organization, P.O. Box 422, Window Rock, AZ 86515	100,000
Ms. Donna Quijance, President, Seldovia Tenant Council, Box 245, Seldovia, AK 99663	100,000
Ms. Mary E. Rone, President, New Jersey Association of Public and Subsidized Housing Residents, 303–309 Washington Street, Suite 300, Newark, NJ 07102	100,000
Ms. Maria D Vega, President, New Mexico Statewide Resident Assn, 70 Camino De Jacobo, Sante Fe, New Mexico 87505	100,000
Mr. Hugh Grogan, President, Residents Working for Georgia, Inc., 306 Lemon Street, Apt. #1, Marietta, GA 30060	100,000
Mr. Richard Howard, President, Circle of Four Nations, Regional Resident Organization, P.O. Box 528, Sacaton, AZ 85247	100,000
Ms. Gloria Williams, President, Illinois Housing Resident Coalition, 2320 S. State #103, Chicago, IL 60616	100,000
Total Dollars Awarded	25,000,000
Total Number of Grant Awards=265	25,000,000

[FR Doc. 96–2778 Filed 2–8–96; 8:45 am]
BILLING CODE 4210–33–P

[Docket No. FR–3803–N–02]

Announcement of Funding Awards; Public and Indian Housing Youth Sports Program Fiscal Year 1995

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 1995 for the Youth Sports Program (YSP). The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide assistance to the Youth Sports Program.

FOR FURTHER INFORMATION CONTACT: Robin Prichard, Crime Prevention and Security Division (CPSD), Office of Community Relations and Involvement (OCRI), Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1197 (this is not a toll-free telephone number). Hearing- or speech-impaired persons, may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Youth Sports Program is authorized by Section 520 of the National Affordable Housing Act (NAHA) (approved November 28, 1990, Pub. L. 101–625), as amended by section 126 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550, approved October 28, 1992). Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations at 24 CFR part 135 (see June 30, 1994 Interim Rule, 59 FR 33866) are applicable to funding awards made in this Notice.

This Notice announces FY 1995 funding of $13,925,000 for the Youth Sports Program (YSP) to be used for sports, cultural, educational, recreational, or other activities designed to appeal to youth as alternatives to the drug environment in public or Indian housing developments. The FY 1995 awards announced in this Notice were selected for funding consistent with the provisions in the Notices of Funding Availability (NOFAs) published in the Federal Register on January 10, 1995 (60 FR 2646).

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235, approved December 15, 1989), the Department is publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: February 5, 1996

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS

[Program Name: Public and Indian Housing Youth Sports Program (YSP); Statute: Public Law 101–625, November 28, 1990]

Funding recipient (name and address)	Amount approved
Housing Authority of the City of New Haven, P.O. Box 1912, New Haven, CT 06509	$125,000
Housing Authority of the City of Middletown, 40 Broad St., Middletown, CT 06457–3249	125,000
Boston Housing Authority, 52 Chauncey St., Boston, MA 02111–2302	125,000
Cambridge Housing Authority, 270 Green Street, Cambridge, MA 02139–3360	125,000
Somerville Housing Authority, 30 Memorial Rd., Somerville, MA 02145	87,016
Holyoke Housing Authority, 475 Maple Street, Holyoke, MA 01040–3775	125,000
Lynn Housing Authority, 174 South Common Str, Lynn, MA 01905–2513	125,000
Dover Housing Authority, 62 Whittier Street, Dover, NH 03820–2994	28,275
Asbury Park Housing Authority, 1000 1/2 Third Ave, Asbury Park, NJ 07712–3847	125,000
Camden Housing Authority, 517 Market Street, Camden, NJ 08102–1293	125,000
Jersey City Housing Authority, 400 U.S. Highay #1, Jersey City, NJ 07306–6731	116,883
Niagara Falls Housing Authority, 744 Tenth Street, Niagara Falls, NY 14301–1852	124,990
Syracuse Municipal Housing Authority, 516 Burt Street, Syracuse, NY 13202–3999	125,000

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Youth Sports Program (YSP); Statute: Public Law 101–625, November 28, 1990]

Funding recipient (name and address)	Amount approved
Municipal Housing Authority of Schenectady, 375 Broadway, Schenectady, NY 12305–2595	125,000
Albany Housing Authority, 4 Lincoln Square, Albany, NY 12202–1637	125,000
Municipal Housing Authority for the City of Yonker, P.O. Box 35, Yonkers, NY 10710–0035	125,000
D.C. Department of Public and Assisted Housing, 1133 N. Capitol, St., NW, Washington, DC 20002–7599	125,000
Wilmington Housing Authority, 400 N. Walnut Street, Wilmington, DE 19801	125,000
Housing Opportunity Commission, Montgomery County, 10400 Detrick Avenue, Kensington, MD 20895	68,586
Alexandria Redevelopment & Housing Authority, 600 North Fairfax St, Alexandria, VA 22314–2094	124,000
Housing Authority of the City of Huntington, P.O. Box 2183, Huntington, WV 25722–2183	125,000
Housing Authority of the City of Montgomery,1020 Bell St., Montgomery, AL 36104	125,000
Housing Authority of the City of Tuskegee, 2901 Davison St., Tuskegee Institute, AL 36088	125,000
Jefferson County Housing Authority, 3700 Industrial Pkwy, Birmingham, AL 35217	125,000
Haleyville Housing Authority, P.O. Box 786, Haleyville, AL 35565	73,588
Housing Authority of the City of Key West, 1400 Kennedy Drive, Key West, FL 33040–2476	117,405
Housing Authority of the City of St. Petersburg, P.O. 12849, St. Petersburg, FL 33705	125,000
Jacksonville Housing Authority, 1300 Broad Street, Jacksonville, FL 32202–3901	125,000
Gainesville Housing Authority, P. O. Box 1468, Gainesville, FL 32602	125,000
Ft. Walton Beach Housing Authority, 27 Robinwood Dr. SW, Fort Walton Beach, FL 32548–5394	124,802
Housing Authority of the City of Savannah, P. O. Box 1179, Savannah, GA 31402–1179	124,961
Housing Authority of the City of Macon, P. O. Box 4928, Macon, GA 31208–4928	125,000
Housing Authority of the City of Columbus, P. O. Box 648, Columbus, MS 39703–0648	125,000
Housing Authority of the City of Jackson, P. O. Box 11327, Jackson, MS 39283–1327	125,000
Housing Authority of the City of Tupelo, P. O. Box 3, Tupelo, MS 38802–0003	125,000
Housing Authority of the City of Lumberton, P. O. Box 192, Lumberton, MS 39455	69,243
Housing Authority of the City of Meridian, P. O. Box 870, Meridian, MS 39302–0870	125,000
Housing Authority of the City of Starkville, P. O. Box 795, Starkville, MS 39759	44,100
Housing Authority of the City of Charlotte, P O Box 36795, Charlotte, NC 28236	125,000
Housing Authority of the City of Greensboro, P O Box 21287, Greensboro, NC 27420	125,000
Housing Authority of the City of Greenville, P O Box 1426, Greenville, NC 27835–1426	125,000
Housing Authority of the City of High Point, P O Box 1779, High Point, NC 27261	125,000
Pembroke Housing Authority, P O Drawer 910, Pembroke, NC 28372	115,998
Housing Authority of the City of Winston-Salem, 901 Cleveland Ave., Winston-Salem, NC 27101	125,000
Housing Authority of Beaufort, Post Office Box 1104, Beaufort, SC 29901–1104	120,083
Housing Authority of Greenville, P. O. Box 10047, Greenville, SC 29605	124,998
Elizabethton Housing and Development Agency, Inc., P. O. Box 369, Elizabethton, TN 37644–0369	125,000
Metropolitan Development & Housing Agency, P.O. Box 846, Nashville, TN 37202–0846	125,000
Poarch Band of Creek Indians of Alabama, HCR 69A Box 85B, Atmore, AL 36502	125,000
Seminole Tribe of Florida, 3101 N. 63rd Avenue, Hollywood, FL 33024	124,985
Housing Authority City Bloomington, 104 E Wood, Bloomington, IL 61701–6768	125,000
Evansville Housing Authority, P. O. Box 3605, Evansville, IN 47713	18,361
Sault Ste. Marie Tribal Housing Authority, 2218 Shunk Road, Sault Ste. Marie, MI 49783	125,000
Mississippi Band of Choctaw Indians, P.O. Box 6010 Choctaw Bra, Philadelphia, MS 39350	125,000
Qualla Housing Authority, P.O. Box 1749, Cherokee, NC 28719–1749	125,000
Dayton Metropolitan Housing Authority, 400 Wayne Avenue, Dayton, OH 45410–1106	125,000
Cuyahoga Metropolitan Housing Authority, 1441 W. 25th Street, Cleveland, OH 44113–3101	125,000
Lucas Metropolitan Housing Authority, P.O. Box 477, Toledo, OH 43697–0477	125,000
Lorain Metropolitan Housing Authority, 1600 Kansas Avenue, Lorain, OH 44052–2602	125,000
Zanesville Metropolitan Housing Authority, 2746 Maple Avenue, Zanesville, OH 43701	125,000
Allen Metropolitan Housing Authority, 600 S. Main Street, Lima, OH 45804	124,854
Ho-Chunk Housing Authority, P.O. Box 546, Tomah, WI 54660	125,000
Oneida Housing Authority, 2913 Commissioner Street, Oneida, WI 54155	125,000
Menominee Tribal Housing Authority, P.O. Box 459, Keshena, WI 54135–0459	125,000
Housing Authority of the City of North Little Rock, P.O. Box 516, North Little Rock, AR 72115–0516	125,000
Housing Authority of the City of T or C, 108 South Cedar St., Truth or Consequence, NM 87901	125,000
Housing Authority of the County of Santa Fe, 52 Camino de Jacobo, Santa Fe, NM 87505–9203	125,000
Housing Authority of the City of Tulsa, P.O. Box 6369, Tulsa, OK 74148–0369	125,000
Chickasaw Nation Indian Housing Authority, P.O. Box 668, Ada, OK 74821–0668	125,000
Choctaw Nation Indian Housing Authority, P.O. Drawer G, Hugo, OK 74743	125,000
Comanche Housing Authority, 216 S.E. ''J'' Avenue, Lawton, OK 73502	125,000
Sac & Fox Nation of Oklahoma, P.O. Box 1252, Shawnee, OK 74802–1252	125,000
Housing Authority of Abilene, P.O. Box 60, Abilene, TX 79604–0060	124,192
Housing Authority of Temple, P.O. Box 634, Temple, TX 76503–0634	71,000
Housing Authority of Waco, P.O. Box 978, Waco, TX 76703–0978	125,000
Housing Authority of Fort Worth, P.O. Box 430, Fort Worth, TX 76101–0430	125,000
Housing Authority of the City of Houston, P.O. Box 2971, Houston, TX 77252–2971	125,000
Alamo Housing Authority, P.O. Box 445, Alamo, TX 78516–0445	70,624
Atchison Housing Authority, 7th & Mall Street, Atchison, KS 66002–2882	85,414
Housing Authority of the City of Columbia, 301 N. Providence Rd, Columbia, MO 65203–4091	125,000
Omaha Housing Authority, 540 South 27th St., Omaha, NE 68105–1521	125,000
Housing Authority of the City and County of Denver, Bx 4305,Santa Fe Sta, Denver, CO 80204	125,000
Southern Ute Indian Housing Authority, P.O. Box 447, Ignacio, CO 81137	103,075
Housing Authority of Billings, 2415–1st Ave., North, Billings, MT 59101	103,210

APPENDIX A.—FISCAL YEAR 1995 PUBLIC AND INDIAN HOUSING RECIPIENTS OF FINAL FUNDING DECISIONS—Continued

[Program Name: Public and Indian Housing Youth Sports Program (YSP); Statute: Public Law 101–625, November 28, 1990]

Funding recipient (name and address)	Amount approved
Helena Housing Authority, 812 Abbey, Helena, MT 59601	124,963
Housing Authority of Butte, Curtis & Arizona St., Butte, MT 59701	119,986
Crow Tribal Indian Housing Authority, P.O. Box 99, Crow Agency, MT 59022	125,000
Chippewa Cree Indian Housing Authority, P.O. Box 615, Box Elder, MT 59521	125,000
Northern Cheyenne Indian Housing Authority, P.O. Box 327, Lame Deer, MT 59043	125,000
Blackfeet Indian Housing Authority, P.O. Box 790, Browning, MT 59417	124,981
Lower Brule Indian Housing Authority, P.O. Box 183, Lower Brule, SD 57548	125,000
Sisseton-Wahpeton Indian Housing Authority, P.O. Box 687, Agency Village, SD 57262	62,500
Rosebud Indian Housing Authority, P.O. Box 69, Rosebud, SD 57570	125,000
Housing Authority of the County of Salt Lake, 3595 South Main, Salt Lake City, UT 84115	125,000
Navajo Indian Reservation, P.O. Box 4980, Window Rock, AZ 86515	125,000
Housing Authority of the City of Oxnard, 1470 Colonia Road, Oxnard, CA 93030–3714	125,000
San Diego Housing Commission, 1625 Newton Ave., San Diego, CA 92113	125,000
Housing Authority of the City of Santa Barbara, 808 Laguna St., Santa Barbara, CA 93101–1590	125,000
Area Housing Authority of Ventura County, 99 S. Glenn Drive, Camarillo, CA 93010	35,735
Oakland Housing Authority, 1619 Harrison, Oakland, CA 94612	125,000
Housing Authority of the County of Marin, P.O. Box 4282, San Rafael, CA 94913–4282	124,396
Housing Authority of the County of Contra Costa, P.O. Box 2759, Martinez, CA 94553	125,000
Hoopa Valley Indian Reservation, P.O. Box 1285, Hoopa, CA 95546	124,925
Owens Valley At Big Pine Housing Authority, 825 S. Main St., Big Pine, CA 93513	125,000
Housing Authority of the City of Las Vegas, 420 North 10th St., Las Vegas, NV 89101	125,000
Alaska Housing Finance Corporation, P.O. Box 230329, Anchorage, AK 99523–0329	125,000
Tlingit-Haida Reg Housing Authority, P.O. Box 32237, Juneau, AK 99803	116,420
Interior Region Housing Authority, 828 27th Avenue, Fairbanks, AK 99701	122,972
Kodiak Island Housing Authority, 3137 Mill Bay Road, Kodiak, AK 99615	60,500
Housing Authority of the County of Clackamas, 13930 South Gain St., Oregon City, OR 97045	124,935
Housing Authority of the City of Salem, P.O. Box 808, Salem, OR 97308–0808	125,000
Housing Authority of Portland, 135 SW Ash, Portland, OR 97204	125,000
HA and Community Services Agency of Lane County, 177 Day Island Rd, Eugene, OR 97401	125,000
Housing Authority of the City of Vancouver, 500 Omaha Way, Vancouver, WA 98661	125,000
Housing Authority of the City of Tacoma, 902 South L Street, Tacoma, WA 98404–4699	125,000
Housing Authority of Snohomish County, 3425 Broadway, Everett, WA 98201–5023	117,044
Housing Authority of the City of Seattle, 120 Sixth Avenue N, Seattle, WA 98109–5003	125,000
Tulalip Indian Housing Authority, 3107 Rueben Sheldon Dr., Marysville, WA 98271	125,000
Makah Tribe Indian Housing Authority, P.O. Box 888, Neah Bay, WA 98357	125,000
Total Dollars Awarded	13,925,000
Total Number of Grant Awards	119

[FR Doc. 96–2777 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–7122–03–8546]

Proposed Expansion of the Continental Mine in Grant County, New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Rescheduled Public Scoping Meeting and Extension of Public Comment Period.

SUMMARY: Due to the two Federal Government shutdowns, the public scoping meetings scheduled by BLM on Wednesday, November 15, 1995 and Tuesday, December 19, 1995 in Silver City, New Mexico (FR, Vol. 60, No. 205, October 24, 1995, pages 54508–54509 and No. 232, December 4, 1995, pages 62106–62107) to discuss Cobre Mining Company's proposed Continental Mine Expansion Project were postponed. The meeting is rescheduled at the following time and location:

TIME/DATE: 7:00 p.m., February 28, 1996.

LOCATION: Grant County Courthouse Building, 2nd Floor Courtroom, 201 North Cooper Street, Silver City, New Mexico.

DATES: The public comment period has been extended through March 18, 1996. Written comments should be sent to the address listed below.

ADDRESSES: Comments should be sent to BLM, Las Cruces District, 1800 Marquess, Las Cruces, New Mexico 88005.

FOR FURTHER INFORMATION CONTACT: Chuck O'Donnell, BLM, Las Cruces District Office at (505)525–4373.

Dated: February 2, 1996.

Linda S. C. Rundell,

District Manager.

[FR Doc. 96–2802 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–FB–P

[MT–960–1120–00]

Notice of Meeting

AGENCY: Bureau of Land Management (BLM), Montana, Miles City District, Interior.

ACTION: Notice of Meeting.

SUMMARY: The Miles City District Resource Advisory Council will have a meeting Wednesday, March 13, 1996 at 10:00 a.m. in the Miles City District Office Conference Room located at 111 Garryowen Road, just west of Miles City. The meeting is called primarily to discuss and review the proposed Montana/Dakotas Standards and Guidelines for Rangeland Health and is expected to last until 4:00 p.m.

The meeting is open to the public and the public comment period is set for 10:00 a.m. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral

statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City District, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 232–4331.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: February 1, 1996.

Glenn A. Carpenter,

District Manager.

[FR Doc. 96–2783 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–080–084–6333–00; GP6–0052]

Amendment to Motorized Vehicle Restriction on Public Lands; Salem District; Oregon

ACTION: Amendment to the Motorized Vehicle Restriction on Public Lands Notice; Salem District; Oregon, published in the September 12, 1995, edition of the Federal Register (60 FR 47397).

SUMMARY: Notice is given that the Motorized Vehicle Restriction on Public Lands Notice; Salem District; Oregon, published in the September 12, 1995, edition of the Federal Register (60 FR 47397) is hereby amended. This order is issued under the authority 43 CFR 8364.1 and closes additional roads and public lands to motorized vehicle use. Notice is hereby given that the following areas are closed to motorized vehicle traffic:

1. The last 0.25 mile of Road 9–1E–12, east of its intersection with Road 10–2E–4 in Section 31, T. 9 S., R. 2 E., Will. Mer., Oreg.

2. All lands administered by the Bureau of Land Management (BLM) in Sections 15, 16, and 17, T. 6 S., R. 2 E., Will. Mer., Oreg., excluding Clackamas County Road No. 42027.

EXEMPTIONS: The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: BLM employees; state, local and federal law enforcement and fire protection personnel; holders of BLM road use permits that include roads within the closure area; and purchasers of BLM timber within the closure area including their employees and subcontractors. Access by additional parties may be allowed, but must be approved in advance by the Authorized Officer.

PENALTIES: Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months, as well as, penalties provided under Oregon State Law.

EFFECTIVE DATE: This emergency closure shall remain in effect until revised, revoked or amended.

FOR FURTHER INFORMATION CONTACT: Richard Prather, Area Manager, Cascades Resource Area, 1717 Fabry Road SE, Salem, OR 97306, (503) 375–5646.

SUPPLEMENTARY INFORMATION: The purpose of these closures is to protect soil, vegetation and sensitive cultural, paleontological, and riparian resources, from excessive damage by motorized vehicles.

Richard Prather,

Area Manager, Cascades Resource Area.

[FR Doc. 96–2786 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–33–P

[OR–080–084–6333–00; GP6–0053]

Motorized Vehicle Restriction on Public Lands; Salem District; Oregon

SUMMARY: Notice is hereby given that Bureau of Land Management (BLM)-administered roads 9–3E–8, 9–3E–8.1, 9–3E–8.2, 9–3E–9.1, 9–3E–9.2, and 9–3E–10.3 in T. 9 S., R. 3 E., Will. Mer., Oreg., are closed to motorized vehicle use. The purpose of this closure is to reduce the incidence of escaped campfires, garbage dumping, vandalism, unsafe discharging of fire arms, and to protect vegetation, water quality and public safety. This order is issued under the authority of 43 CFR 8364.1.

EXEMPTIONS: The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: BLM employees; state, local and federal law enforcement and fire protection personnel; holders of BLM road use permits that include roads within the closure area; and purchasers of BLM timber within the closure area including their employees and subcontractors. Access by additional parties may be allowed, but must be approved in advance by the Authorized Officer.

PENALTIES: Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0–7, which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months, as well as, penalties provided under Oregon State Law.

EFFECTIVE DATE: This emergency closure is effective from January 1 through September 20 and from November 10 through December 31 of each year, and shall remain in effect until revised, revoked or amended.

FOR FURTHER INFORMATION CONTACT: Richard Prather, Area Manager, Cascades Resource Area, 1717 Fabry Road SE, Salem, OR 97306, (503) 375–5646.

Richard Prather,

Area Manager, Cascades Resource Area.

[FR Doc. 96–2780 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–33–P

[NM–932–1310–01; NMNM 84728]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 97–451, a petition for reinstatement of Oil and Gas Lease NMNM 84728, Lea County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from June 1, 1995, the date of termination.

No valid lease has been issued affecting the land. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, and 16⅔ percent, respectively. The lessee has paid the required $500.00 administrative fee has been reimbursed by the Bureau of Land Management for the cost of this Federal Register notice.

The lessee has met all the requirements for reinstatement of the lease as set in Section 31(d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188), and the bureau of Land Management is

proposing to reinstate the lease effective June 1, 1995, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Angela Trujillo, BLM, New Mexico State Office, (505) 438–7592.

Dated: February 2, 1996.

Angela Trujillo,

Land Law Examiner, Fluids Adjudication Team.

[FR Doc. 96–2785 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–FB–M

[UT–066–06–1200–00; UTU–71845]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification, Carbon County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, public land in Carbon County, UT.

SUMMARY: The following described parcel of public land had been examined and found suitable for classification for lease or conveyance under the Recreation and Public Purposes Act (R&PP) as amended (43 U.S.C. 869 et.seq).

Salt Lake Meridian, Utah

T. 12 S., R.13 E.,
Section 12, SE¼SW¼NE¼.
Containing 10.0 acres more or less.

Classification and lease or conveyance of the subject land is in response to a request from Carbon County, Utah to use the lands for a recreation facility. The parcel is not required for any Federal purpose or program. Lease or conveyance of the parcel is consistent with current BLM land use planning and would be in the public interest. The lease or conveyance would be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. A reservation to the United States of all mineral deposits, together with the right to prospect for, mine, and remove such deposits under applicable law and such regulations as the Secretary of the Interior may prescribe.

4. A reservation to the United States for rights-of-way for ditches and canals under the Act of August 20, 1890 (26 Stat. 391; 43 U.S.C. 945).

Publication of this notice in the Federal Register segregates the public land from the operation of the public land laws including the mining laws, except the mineral leasing laws and for lease or conveyance under the Recreation and Public Purposes Act.

COMMENTS: By no later than March 21, 1996, interested parties may submit comments to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a recreation facility. 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, and whether the use is consistent with State and Federal programs. Any adverse comments will be reviewed by the Utah State Director. In the absence of any adverse comments, the classification will become effective sixty (60) days from the date of publication of this notice in the Federal Register.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the R&PP application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a recreation facility. Any adverse comments will be reviewed by the Moab District Manager who many sustain, vacate or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: Additional information concerning the proposed action may be obtained from Mark Mackiewicz, Area Realty Specialist, Price River Resource Area, 125 South 600 West, Price, Utah 84501, (801) 636–3600 or Brad Groesbeck, Moab District Realty Specialist, 82 East Dogwood Road, Suite M, Moab, Utah 84532, (801) 259–6111.

Dated: January 31, 1996.

William Stringer,

District Manager.

[FR Doc. 96–2862 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–DQ–P

[CA–942–5700–00]

Filing of Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATE: Unless otherwise noted, filing was effective at 10:00 a.m. on the next federal work day following the plat acceptance date.

FOR FURTHER INFORMATION CONTACT: Lance J. Bishop, Acting Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, Room E–2845, Sacramento, CA 95825, 916–979–2890.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office of the Bureau of Land Management in Sacramento, CA.

Humboldt Meridian, California

Tps. 12 N., Rs. 1 and 2 E.,
Dependent resurvey and survey, (Group 1092) accepted January 8, 1996, to meet certain administrative needs of the National Park Service, Redwood National Park.

Mount Diablo Meridian, California

T. 1 N., R. 32 E.,
Retracement and dependent resurvey, (Group 1213) accepted December 12, 1995, to meet certain administrative needs of the U.S. Forest Service, Inyo National Forest.

All of the above listed survey plats are now the basis record for describing the lands for all authorized purposes. The survey plats have been placed in the open files in the BLM, California State Office, and are available to the public as a matter of information. Copies of the survey plats and related field notes will be furnished to the public upon payment of the appropriate fee.

Dated: February 2, 1996.

Lance J. Bishop,

Acting Chief, Branch of Cadastral Survey.

[FR Doc. 96–2782 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–40–M

Fish and Wildlife Service

Notice of Receipt of Application for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of

1973, as amended (16 U.S.C. 1531 *et seq.*):

PRT–810689

Applicant: Mr. Raymond L. Tremblay, Department of Biology, University of Puerto Rico, San Juan.

The applicant requests a permit to take (collect leaves and flowers, and conduct pollination studies) the endangered plant Lepanthes eltoroensis on the Caribbean National Forest, Puerto Rico for the purpose of enhancement of survival of the species.

PRT–810743

Applicant: The Nature Conservancy of Georgia, John Doresky, Director, Fort Benning, Georgia.

The applicant requests a permit to take (harass during the installation of artificial nesting cavities) red-cockaded woodpeckers, Picoides borealis, in Georgia for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Coordinator, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone : 404/679–7313; Fax 404/679–7081.

Dated: February 2, 1996.

Noreen K. Clough,

Regional Director.

[FR Doc. 96–2865 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–55–P

Notice of Availability of a Draft Recovery Plan for the Delhi Sands Flower-loving Fly for Review and Comment

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of document availability.

SUMMARY: The Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*). The Delhi sands flower-loving fly occurs on State, local (city and county), and private lands in southwestern San Bernardino County, California. The Service solicits review and comment from the public on this plan.

DATES: Comments on the draft recovery plan must be received on or before April 12, 1996, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor at the following address: Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. Telephone requests may be made by calling (619) 431–9440. Comments and material received are available for public inspection by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Chris Nagano at the above address and (619) 431–9440.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species. They establish criteria for the recovery levels necessary for downlisting or delisting the species. They also provide an estimation of time and cost of implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (U.S.C. 1531 *et seq.*) (Act) requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice, to provide an opportunity for public review and comment, be given during plan development. The Service will consider all significant information presented during a public comment period, prior to the approval of each new or revised Recovery Plan. The Service and other Federal agencies also will take these comments into account in the course of implementing approved recovery plans.

The Delhi sands flower-loving fly has an extremely limited distribution; only ten confirmed or possibly extant populations are known. The animal occurs only in patches of fine, sandy soils of the Delhi series, in southwestern San Bernardino County, California. The threats to the species include habitat loss and invasive exotic species. Protection and management of its habitat and restoration of wild populations by establishing a captive breeding program are the primary goals of the recovery effort.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All significant comments received by the date specified above will be considered prior to the approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533(f)).

Dated: February 1, 1996.

Thomas J. Dwyer,

Regional Director, U.S. Fish and Wildlife Service, Region 1.

[FR Doc. 96–2685 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Environmental Assessment

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service announces the publication of ''A Draft Environmental Assessment to Provide Additional Housing for the Miccosukee Tribe of Indians of Florida''. The location addressed is in the Special Use Permit Area of Everglades National Park, along the north boundary, near State Highway 41.

DATES: Copies of the assessment will be available for review beginning February 15, 1996, and comments must be submitted on or before April 15, 1996.

ADDRESSES: Copies of the assessment may be obtained from, and comments submitted to the Public Affairs Office, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034.

FOR FURTHER INFORMATION CONTACT: Rick Cook, Public Affairs Officer, (305) 242–7700.

Richard G. Ring,

Superintendent.

[FR Doc. 96–2861 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–70–P

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Superintendent of Wrangell-St. Elias National Park and the Chairperson of the Subsistence Resource Commission for Wrangell-St. Elias National Park announce a forthcoming meeting of the Wrangell-St. Elias National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Chair calls meeting to order.

(2) Introduction of Commission members and guests.

(3) Approval of summary of minutes from April 6–8, 1994 meeting.

(4) Review agenda.

(5) Superintendent's welcome and review of the Commission's function and purpose.

(6) Commission membership status.

(7) Election of Chair and Vice Chair.

(8) Federal Subsistence Management Program:

a. Update on the revised C&T determination process.

b. Update on Federal Subsistence Board actions affecting the park.

(9) Public and other agency comments.

(10) Old business:

a. Status of letter to Eastern Interior, Southcentral and Southeast Regional Advisory Councils encouraging cooperation between the SRC and regional councils.

b. Status of letter to Secretary of the Interior requesting funding to conduct an access study.

c. Status of letter to Secretary of the Interior requesting assistance in resolving fall hunting of waterfowl with provisions of the Migratory Bird Treaty Act.

d. Status of SRC's Resident Zone Boundary Proposal.

e. Status of Hunting Plan Recommendation studies to add Northway and Tetlin as resident zone communities.

(11) New business:

a. Proposed 1996–97 subsistence hunting proposals/regulations.

b. Mentasta caribou hunt proposal by NPS.

c. 804 process work session.

d. Review of NPS subsistence program.

(12) Set time and place of next SRC meeting.

(13) Adjournment.

DATES: The meeting will be held Wednesday and Thursday, February 28–29, 1996. The meeting will begin at 9:00 a.m. and end at 5:00 p.m. both days.

LOCATION: The meeting will be held at the Caribou Cafe, Glennallen, Alaska.

FOR FURTHER INFORMATION CONTACT: Jonathan B. Jarvis, Superintendent, Wrangell-St. Elias National Park and Preserve, P.O. Box 439, Copper Center, Alaska 99573. Phone (907) 822–5234.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Paul R. Anderson,

Acting Field Director.

[FR Doc. 96–2743 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation 332–365]

U.S. Interests in APEC Trade Liberalization

AGENCY: International Trade Commission.

ACTION: Institution of investigation and request for comments.

EFFECTIVE DATE: January 24, 1996.

SUMMARY: Following receipt on September 28, 1995, of a request from the United States Trade Representative (USTR), the Commission instituted Investigation No. 332–365, U.S. Interests in APEC Trade Liberalization, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: Kim Frankena (202) 205–3265 or Joanne Guth (202) 205–3264. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810.

BACKGROUND: In 1994, the 18 members of the Asia Pacific Economic Cooperation (APEC) forum agreed to the goal of attaining free and open trade and investment among members by the year 2020 (2010 for developed countries). At its November 1995 Ministerial and Leaders' Meetings, APEC adopted an Action Agenda on trade and investment liberalization, facilitation, and cooperation to be used as a blueprint by members in formulating concrete plans for attaining the goal of free and open trade and investment in the Asia-Pacific region. The plans, which are being formulated now and will be finalized in November 1996, will specify both collective and individual actions to be taken in 15 issue areas over the near to medium-term. The 15 issue areas broadly address market access issues such as tariff and non-tariff measure liberalization, liberalization of trade in services and investment, as well as such topics as customs procedures, standards and conformity assessment, intellectual property rights, government procurement, competition policy, and deregulation.

To help the United States prepare for participation in the APEC process in 1996, the USTR requested that the Commission prepare a two part report. The first part is to provide a profile of each APEC economy's general level of liberalization and remaining barriers to trade and investment. The second part is to provide an indepth analysis of further trade liberalization in the APEC region.

As requested by the USTR, in the first part of its report the Commission will provide a profile for each APEC economy that covers the following elements:

- Estimated average tariff levels in total and by sector, now and after full implementation of Uruguay Round commitments;
- Nontariff or rulemaking Uruguay Round commitments undertaken by each economy;
- Areas where acceleration of Uruguay Round commitments or further liberalization of Uruguay Round results by the economy may be possible;
- Remaining nontariff trade barriers (e.g., standards, government procurement, intellectual property, regulatory systems), including an analysis of sectors where tariff levels are irrelevant because of such barriers;
- Barriers to investment;
- Barriers to trade in services;
- Areas where U.S. industry has the greatest interest in APEC liberalization; and
- Other issues relevant to an assessment of each APEC economy's overall level of liberalization.

The USTR stated that, for the present NAFTA members and Chile, a review of estimated tariff levels and Uruguay Round commitments would be sufficient.

As requested by the USTR, in the second part of its report, the Commission will provide an indepth examination of tariff liberalization in areas with a high percentage of intra-APEC trade. This analysis will cover the following factors:

- The value of U.S. trade affected (both imports and exports) and calculated duties collected (imports), the percentage of total U.S. trade and duties collected, all the foregoing in total, by sector, and with APEC;
- U.S. duty rates on these products (including the value of duty-free trade

both now and after full Uruguay Round implementation);

- The extent to which intra-APEC trade in these products is also intra-NAFTA trade, and the extent to which trade between APEC and non-APEC countries in these products is concentrated among major U.S. trading partners;
- The products most affected on the import and export sides;
- The percentage of U.S. imports and exports affected in particular sectors such as oilseeds, chemicals, wood, electronics, etc.; and
- A general description of how each other APEC economy would be affected including, to the extent feasible, the percentage of imports and exports of each APEC economy covered by these products, and estimates of calculated duties saved for the United States in other APEC economies and for other APEC economies in the U.S. market.

The Commission intends to provide its report to the USTR on May 31, 1996. As requested, the Commission's staff provided USTR with a list of products with a high percentage of intra-APEC trade on October 13, 1995. Also, the Commission will provide USTR with statistical/technical data, along with a briefing document, by March 27, 1996. The USTR indicated that USTR may classify as confidential portions of the Commission's report.

The ITC is seeking input for its study from all interested parties, particularly in areas where U.S. industry has the greatest interest in liberalization of APEC trade and investment.

Public Hearing

A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on April 3, 1996. All persons will have the right to appear, by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 500 E Street SW. Washington, DC 20436, no later than 5:15 p.m., March 18, 1996. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., March 19, 1996. The deadline for filing post-hearing briefs or statements is 5:15 p.m., April 10, 1996. In the event that, as of the close of business on March 18, 1996, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission at 202–205–2000 after March 18, 1996, to determine whether the hearing will be held.

Written Submissions

Interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section § 201.6 of the Commission's *Rules of Practice and Procedure* (19 C.F.R. 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on April 10, 1996. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000.

By order of the Commission.

Dated: February 6, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–2884 Filed 2–8–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Greyhound Lines, Inc.; Public Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. (b)–(h), the United States publishes below the comments received on the proposed Final Judgment in *United States* v. *Greyhound Lines, Inc.*, Civil Action No. 95–1852 (RCL), United States District Court for the District of Columbia, together with the response of the United States to the comments.

Copies of the response and the public comments are available on request for inspection and copying in room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, N.W., Washington, D.C. 20530, telephone: (202) 514–2481, and for inspection at the Office of the Clerk of the United States District Court for the District of Columbia, United States Courthouse, Third Street and Constitution Avenue, N.W., Washington, D.C. 20001. Copies of these materials may be obtained upon request and payment of a copying fee.

Rebecca P. Dick,

Deputy Director, Office of Operations, Antitrust Division.

In The United States District Court for the District of Columbia

In the matter of: United States of America, Plaintiff, vs. Greyhound Lines, Inc., Defendant. Civil Action No. 95–1852 (RCL).

United States' Response to Public Comments

Pursuant to section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d), the United States files this response to public comments on the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

This action began on September 28, 1995, when the United States filed a Complaint charging the defendant, Greyhound Lines, Inc., with violations of the antitrust laws. The Complaint alleges that a standard provision in Greyhound's terminal leases unreasonably restricts the ability of tenant bus companies to compete with Greyhound. The provision, known as the ''25-mile rule,'' prohibits tenants from selling tickets anywhere else within a 25-mile radius of the Greyhound terminal or from accepting the tickets of any other bus company sold in that area. The effect of the rule is to prevent tenant carriers from serving other terminals within that area and from providing service from non-terminal locations such as airports or college campuses. In addition, because it prohibits tenants from accepting the tickets of other carriers sold within 25 miles, the clause restricts interlining.

Simultaneously with the filing of the Complaint, the United States filed a proposed Final Judgment, a Competitive Impact Statement, and a stipulation signed by Greyhound for entry of the proposed Final Judgment. The proposed Final Judgment would require Greyhound to remove the 25-mile rule from its terminal leases within 60 days after entry. In addition, the proposed Final Judgment enjoins other conduct by Greyhound that would have the same effect as the 25-mile rule.

The APPA provides for a 60-day public comment period on the proposed Final Judgment. The 60-day comment

period commenced on October 12, 1995 and expired on December 11, 1995. The United States received only one comment on the proposed Final Judgment, from Valley Transit Company, a small bus company operating primarily in Texas. As required by 15 U.S.C. 16(b), Valley Transit's comment is being filed with this response. (Exhibit A).

Valley Transit's comment cites Greyhound tariffs that provide that Greyhound will not honor Valley Transit tickets sold at various Texas locations, in particular a new Valley Transit terminal in Austin. As a result of these tariffs, Valley cannot sell passengers through tickets on routes where Valley connects with Greyhound. For example, a passenger going from Austin to Laredo (Austin-San Antonio on Valley and San Antonio-Laredo on Greyhound) must buy a separate ticket in San Antonio for the second leg of the trip. Valley argues that Greyhound's refusal to honor its tickets makes it difficult for Valley to compete with Greyhound and that it is an attempt to achieve the effects of the 25-mile rule by another means.

The Complaint in this case alleges that the 25-mile rule is an unlawful agreement under Section 1 of the Sherman Act because it unreasonably restricts the ability of tenant bus companies to operate outside the Greyhound terminal or interline with other carriers that operate outside the Greyhound terminal. The conduct at issue in this case involves agreements between Greyhound and its tenants that interfere with the tenant bus companies' ability to interline with other carriers.

As a general rule, companies, even those with large market shares, are free to do business with whomever they chose, and are not normally required to do business with their competitors. The Complaint does not allege that a refusal by Greyhound to interline with or honor tickets issued by another bus company violates the antitrust laws. Indeed, the proposed Final Judgment explicitly states that it does not affect Greyhound's unilateral right to refuse to interline with another carrier. Section IV(C)(8). The Greyhound conduct cited by Valley Transit is thus outside the scope of the Complaint.

Valley Transit also alleges that some of Greyhound's tenant bus companies have also refused to accept Valley tickets based on an agreement with Greyhound. As Valley notes, however, it appears that the proposed Final Judgment, which enjoins Greyhound from conditioning terminal access on an agreement not to honor the tickets of other carriers sold outside the Greyhound terminal (Section IV(B)), fully addresses this concern.

The United States has carefully considered Valley Transit's comment. Nothing in Valley's comment has altered the United States' conclusion that the proposed Final Judgment is in the public interest. The proposed Final Judgment provides all the relief requested in the Complaint against Greyhound, without the substantial expense of a trial. The relief provided in the decree would eliminate the 25-mile rule and prevent Greyhound from achieving the same anticompetitive result by other means. Entry of the proposed Final Judgment is in the public interest.

Dated: December 18, 1995.

Respectfully submitted,

Michael D. Billiel,

DC Bar #394377

Michele B. Felasco,

Attorneys, Antitrust Division, U.S. Department of Justice, 555 Fourth Street, N.W., Washington, D.C. 20001, (202) 307–6666.

December 4, 1995.

Roger W. Fones,

Chief, Transportation and Energy Section, Room 9104, 555 4th Street, N.W., Washington, D.C. 20001

Re: *United States v. Greyhound Lines, Inc., Case No. 1:95CV01852*

Dear Mr. Fones: In announcing the filing of the suit against Greyhound Lines, Inc. (''Greyhound''), the Department of Justice issued a press release in which it was stated that the ''25-mile rule limited other bus companies from competing effectively against Greyhound. It resulted in less bus service and less convenience for consumers.'' Press Release dated September 29, 1995 at 2. The Release further states that:

Greyhound's 25-mile rule made it harder for bus companies to offer full service to other locations near Greyhound terminals, such as competing bus terminals, college campuses, train stations, and airports. It limited competition in the distribution of bus tickets in many cities, making it difficult for any bus tickets to be sold except in a Greyhound terminal.

Finally, it made it harder for smaller bus companies to connect with each other to form alternative routes, in competition with Greyhound, in intercity bus service.

Under the agreement, Greyhound would drop the 25-mile rule from all of its lease agreements and would not impose any similar rule in the future. *The agreement also prevents Greyhound from using leasing in other ways to limit bus companies from selling tickets outside Greyhound terminals.*

Emphasis added.

It is respectfully requested that consideration be given to including a provision in the proposed judgment which would prevent Greyhound from employing tariff filings to achieve the same objective as the 25-mile rule in its Bus Terminal License Agreement. In seeking this modification, I respectfully request that you consider certain actions which Greyhound has taken since signing the consent decree which are causing the identical problems which you identified in your press release of September 28, 1995. If these activities are not covered by the consent decree, they will create a loophole through which one could literally drive a bus.

On November 2, 1995, Valley Transit Company opened a new terminal in Austin, Texas in response to the request for service from small towns in southeast Texas, such as Yoakum, Shiner, Gonzales, Lockhart, Luling, Mendoza, Nursery, Thomaston and Cuero, all of which are located between Victoria and Austin. These small communities had recently lost all bus service when Kerrville Bus Lines discontinued service between those points. It should be noted that Greyhound did not seek to institute its own service replacing Kerrville Bus Lines.

When Valley Transit decided to respond to the public need, it approached Greyhound and requested that Valley Transit be allowed to operate into Greyhound's Austin terminal, as Kerrville had done. Valley Transit's request was summarily denied. As a result, Valley Transit was forced to establish its own terminal facility in Austin. Recognizing that its main source of passengers would be from the central portion of Austin near both the University of Texas and the heart of the Hispanic community, Valley Transit spent a considerable amount of time and resources in finding such a location.

Valley Transit also recognized that in order to make the route work, it would be necessary to coordinate its Austin schedules with its existing operations between the Rio Grande Valley and San Antonio. Thus, it initiated three daily schedules which link Austin to its existing operations via San Antonio where Valley Transit interlines with Greyhound and other bus companies at the Greyhound terminal. Valley Transit is currently operating in the Greyhound terminal at San Antonio pursuant to a stay order entered by the United States District Court for the Southern District of Texas in September 1992. The stay order was entered pending the outcome of an antitrust lawsuit which Valley Transit was forced to file when Greyhound attempted to evict Valley Transit from the Greyhound terminals in Houston, San Antonio and Corpus Christi, Texas—*Valley Transit Company, Inc. v. Greyhound Lines, Inc.* C.A. No. B–92–153.

Although Greyhound had previously assured Valley Transit that it would not retaliate against Valley Transit for opening the Austin terminal, Greyhound, with no prior notice, issued a tariff on October 31, 1995, effective November 1, in which it announced that it would not honor any ticket which Valley Transit sold in Austin. *See* Attachment 1. As Greyhound explained in a letter dated November 3, 1995, ''Greyhound will not honor at Austin, TX or San Antonio, TX, any Valley ticket that is issued at Austin, TX for transportation to points beyond Austin, TX or San Antonio, TX.'' Letter to Robert R. Farris from Gregory Alexander, dated November 3, 1995 (Attachment 2).

Subsequently, on November 21, 1995, Greyhound issued another tariff which is

even more restrictive. *See* Attachment 3. As Greyhound explained in a further letter, ''Greyhound will not honor at Austin, TX, or San Antonio, TX, any Valley ticket that is issued at Austin, TX, San Marcos, TX, New Braunfels, TX or Seguin, TX, which provides for transportation to points beyond Austin, TX or San Antonio, TX. *See* Letter to Robert R. Farris from Gregory Alexander, dated November 21, 1995 (Attachment 4). Because these letters show copies going to Jack Haugsland, Greyhound's Vice President of Operations, and Mark Southerst, Greyhound's Vice President, it is evident that these actions are being taken with the acquiescence of some top Greyhound management.

What may not be evident is the impact that the Greyhound tariff provisions are having on Valley Transits' passengers who have chosen to travel via Valley Transit's conveniently located terminal in central Austin. If a passenger buys a ticket at Austin with a destination at Laredo, Valley Transit can take the passenger from Austin as far as San Antonio. Because Valley Transit does not operate between San Antonio and Laredo, it must interline with Greyhound at San Antonio. However, at San Antonio, Greyhound will not accept the passenger's ticket. Nor will Greyhound honor the ticket on the return trip from Laredo to Austin. Instead, Greyhound forces the passenger to purchase a new ticket at San Antonio to travel to Laredo and back, without regard to the passenger's ability to advance funds for the additional ticket until a refund can be obtained from Valley Transit.

Also, if Valley Transit sells a round-trip ticket to Dallas at New Braunfels, the passenger will travel to Austin via Valley Transit. However, because Valley Transit does not operate into Dallas, it must interline with Greyhound at Austin. Because Greyhound will not allow Valley Transit access to its Austin terminal, Valley Transit is required to drop the passenger at curbside outside the Greyhound terminal. Of course, when the passenger enters the Greyhound terminal at Austin, Greyhound will not accept the Valley Transit ticket because it was issued at an ''intermediate'' point between Austin and San Antonio.

The message to the passenger is clear. If you deal with Valley Transit at Austin, you will be harassed and inconvenienced by Greyhound!

This has been done even though Greyhound's existing Bus Terminal License Agreement with Valley Transit contains the following provision:

[Greyhound] shall furnish impartial information as to the routes, schedules and fare charged, and impartially give out, upon request, such other general information as is available.

Prospective passengers destined for competitive points on or beyond the lines of more than one of the carriers operating from the Terminal shall, when the fare, distance and time of arrival and departure are substantially equal, be given the option of selecting the schedule on which they will travel. Otherwise, tickets to competitive points shall be sold on the next bus out or according to passenger preference.

As is obvious, Greyhound has not felt constrained by this language in issuing the tariff restriction against optional honoring of tickets sold in Valley Transit's Austin terminal.

Furthermore, because of Greyhound's monopolistic position in the industry which flows from its control of the only nationwide network of bus terminals, these tariffs have also had an impact on other bus companies. Valley Transit's agent in Austin has been advised by Arrow Trailways that, if Valley Transit were to bring passengers to it at Greyhound's Austin terminal, Arrow Trailways will accept Valley Transit's tickets at the Greyhound terminal, even if the passenger is traveling to a point which is not served by Greyhound. Although Valley Transit has requested Arrow Trailways to stop at Valley Transit's Austin terminal to interline with Valley Transit, as of this date Arrow Trailways has not accepted the invitation. In addition, Valley Transit's agent has been information that Kerrville Bus Lines cannot come to Valley Transit's Austin terminal to offer service because of an agreement with Greyhound. If these activities are not ceased, Valley Transit will have no choice but to withdraw from the Austin market, even though it has responded to a public demand by providing bus service when no other service was available.

I would also like to invite your attention to the most recent draft of the Bus Terminal License Agreement which Greyhound has forwarded to Valley Transit. Section 15(C) of that Agreement provides an alternative dispute resolution (''ADR'') process. However, as states therein, ''Disputes regarding optional honoring of tickets shall not subject to this Section 15(C).'' One can but wonder why this particular item has been singled out for disparate treatment.

I have been forced to conclude that Greyhound has determined that tariffs cancelling optional honoring of tickets can be effectively substituted for the ''25-mile'' rule, which is banned in the proposed Consent Decree, and utilized to restrain competition from other bus companies which must interline through Greyhound terminals. As reflected by the ongoing attempt to drive Valley Transit out of the Austin market, this use of tariffs, instead of the Bus Terminal License Agreements, is as insidious an antitrust practice as the 25-mile rule which the Department of Justice has condemned. While Greyhound will not institute new service to meet a demonstrated public need, it will endlessly harass a smaller competitor which is trying to respond to that need. Furthermore, unless called to terms on the matter at this time, Greyhound will likely use the consent decree as a defense. Thus, if sued, Greyhound will claim that if the Department of Justice had viewed such actions as being violative of the Sherman Act, the Department would have specifically condemned them in this case.

In light of the above, I suggest that certain minor modifications be made to the proposed Final Judgment which the Department of Justice has negotiated with Greyhound. In Section IV(B)(1), Greyhound is restrained and enjoined from:

conditioning access to its terminals, directly or *indirectly,* upon a *tenant* carrier agreeing not to: (i) sell its tickets or busbills at locations other than the Greyhound terminal, or (ii) honor the tickets or busbills of another carrier sold at such other locations.

While it may be that this language would address the problem of other *tenants* refusing to honor tickets of another tenant carrier, it does *not* address the problem of *Greyhound* refusing to honor a ticket which is sold at a non-Greyhound terminal. Thus, while Arrow Trailways' agreement with Greyhound, which is said to preclude and restrain Arrow Trailways from accepting a Valley Transit ticket at a Greyhound terminal, would be covered by the Final Judgment, Greyhound's activities are not. Indeed, based on its recent activities, it appears that Greyhound does not feel constrained by this language.

In order to cure the problem associated with Greyhound's use of its tariffs, rather than its Bus Terminal License Agreements to restrain competition, it is suggested that a new paragraph be added under the heading ''IV *PROHIBITED CONDUCT,*'' which would read as follows:

5. refusing by any means, direct or indirect, to honor the tickets or busbills of a tenant carrier which are sold at locations other than a Greyhound terminal.

Similarly, the language in subparagraph (3) seems to be less precise than is necessary to bring this particular monopolist to heel. As provided therein, Greyhound is restrained and enjoined from:

discriminating against any tenant carrier in the terms or conditions of any BTL Agreement or other agreement governing the lease of space in a bus terminal, where the purpose or effect of such discrimination is to (a) prohibit a tenant carrier from (i) selling its tickets or busbills at locations, other than the Greyhound terminal, for transportation services using that Greyhound terminal *or a terminal or facility that is competitive with such Greyhound terminal,* or (ii) *honoring the tickets or busbills of another carrier sold at such other locations,* or (b) prohibit or substantially limit the tenant from interlining any of its traffic with another carrier at another terminal.

Emphasis added. If the phase ''or by tariff provision,'' is inserted after the words ''or other agreement governing the lease of space in a bus terminal,'' the forbidden discrimination would address the situation which Valley Transit is facing.

Unfortunately, if the Final Judgment is not modified to *explicitly* prohibit the anticompetitive activities which Greyhound is using with respect to Valley Transit's Austin terminal, Greyhound will consider itself free to employ those same tactics against any other bus company which opens a terminal which may be competitive with a Greyhound terminal. If that is allowed to happen, the Final Judgment will be practically useless in bringing a halt to Greyhound's anticompetitive activities to the detriment of the traveling public which is dependent upon bus service as most small bus companies lack the financial ability to battle Greyhound.

Very truly yours,

Richard H. Streeter

Greyhound Lines, Inc.

Special Honoring Arrangements Tariff (ICC GL 722) Naming Rules and Regulations Governing Optional Honoring of Tickets Applicable Between Austin, Texas and San Antonio, Texas Including All Intermediate Points As Named Herein

Issued: October 31, 1995.
Effective: November 1, 1995.

Issued on one (1) day's notice under authority of the Interstate Commerce Commission in Ex Parte No. MG 176. The provisions published herein, if effective, will not result in an effect on the quality of the Human Environment.

Issued By: G. Alexander, Director—Traffic, P.O. Box 660362, Dallas, Texas 75266–0362.

SECTION A

Rules No. and Regulations

1. Application of Fares

The provisions of this tariff apply to the optional honoring of any ticket issued by Greyhound Lines, Inc. which includes travel between Austin, Texas and San Antonio, Texas including all intermediate parties.

2. Optional Honoring Arrangements

In lieu of Rule No. 3, ''Routes'', Paragraph 8 ''Change of Routing or Destination'', subparagraph (1) National Passenger Tariff, ICC MSTA 1000, amendments thereto or reissues thereof, issued by National Bus Traffic Association, Inc., Agent, any ticket issued by Greyhound Lines, Inc. which includes travel between Austin, Texas and San Antonio, Texas and all intermediate points will be honored by Greyhound Lines, Inc. only unless the ticket, is properly ''closed'' to the other carrier or a valid diversion sticker is affixed thereon.

In addition, Greyhound will not honor at San Antonio, Texas or Austin, Texas, any ticket issued by a foreign carrier which provides for transportation, in whole or in part, San Antonio, Texas and Austin, Texas via the lines of a foreign line carrier.

3. Other Rules and Regulations

Except or otherwise provided herein, Rules and Regulations governing this Tariff are as published in National Passenger Tariff, ICC MSTA 1000, amendments thereto or reissues thereof, issued by National Bus Traffic Association, Inc., Agent.
Greyhound Lines, Inc.
P.O. Box 660362
Dallas, TX 75266–0362

November 3, 1995

Mr. Robert R. Farris
Senior Vice President
VALLEY TRANSIT COMPANY, INC.
P.O. Box 530010
Harlingen, TX 78553

Via Facsimile (210) 423–4888 and U.S. Mail

SUBJECT: OPTIONAL HONORING OF TICKETS

Dear Bobby: Enclosed for your information is a copy of Special Honoring Arrangements Tariff, ICC GL 722, effective November 1, 1995, which states in pertinent part that tickets issued by Greyhound Lines, Inc. which include travel between San Antonio, TX and Austin, TX or intermediate points, may be honored by Greyhound only unless the ticket is properly ''closed'' to another company or a valid diversion sticker is affixed thereto. The tariff additionally provides that Greyhound will not honor at San Antonio, TX or Austin, TX, any ticket issued by a foreign line carrier which provides for transportation, in whole or in part, between San Antonio, TX and Austin, TX via the lines of a foreign line carrier.

The provisions contained in that tariff imply the following:

(1) Valley Transit may not honor any Greyhound ticket for transportation, in whole or in part, between San Antonio, TX and Austin, TX.

(2) Greyhound will not honor any Valley ticket for transportation, in whole or in part, between San Antonio, TX and Austin, TX, when the origin or destination of the ticket is Austin, TX.

(3) Greyhound will not honor at Austin, TX or San Antonio, TX, any Valley ticket that is issued at Austin, TX for transportation to points beyond Austin, TX or San Antonio, TX.

Please inform you personnel of the above so that they will not honor tickets which will have no reclaim value to your company and so that they will not issue tickets that Greyhound will not honor.

Very truly yours,

Gregory Alexander,

Director—Industry Relations.

Greyhound Lines, Inc.

*Special Honoring Arrangements Tariff (ICC 722–1) Cancels Special Honoring Arrangements Tariff (ICC 722) Naming Rules and Regulations Governing Optional Honoring of Tickets Applicable Between Austin, Texas and San Antonio, Texas Including All Intermediate Points And *Points Beyond Austin, Texas or San Antonio, Texas As Named Herein*

Issued November 21, 1995.
Effective: November 22, 1995.

Issued on one (1) day's notice under authority of the Interstate Commerce Commission in Ex Parte No. MC 176. The provisions published herein, if effective, will not result in an effect on the quality of the Human Environment.

Issued By: G. Alexander, Director—Industry Relations, P.O. Box 6606362, Dallas, Texas 752–22–0362.

Section A

Rule No.

1. Application of Fares

* The provisions of this tariff apply to the optional honoring by a foreign line carrier of tickets issued by Greyhound Lines, Inc. and the optional honoring of foreign line tickets by Greyhound Lines, Inc., which include travel between Austin, Texas and San Antonio, Texas, including all intermediate points, or travel beyond Austin, Texas or San Antonio, Texas.

2. Optional Honoring Arrangements

In lieu of Rule No. 3, ''Routes'', Paragraph 8 ''Change of Routing or Destination'', subparagraph (1) of National Passenger Tariff, ICC MSTA 1000, amendments thereto or reissues thereof, issued by National Bus Traffic Association, Inc. Agent, any ticket issued by Greyhound Lines, Inc. which includes travel between Austin, Texas and San Antonio, Texas or intermediate points will be honored by Greyhound Lines, Inc. only unless the ticket is properly ''closed'' to another carrier or a valid diversion sticker is affixed thereon.

^ Greyhound will not honor at San Antonio, Texas or Austin, Texas, or intermediate points, any ticket issued at Austin, Texas or San Antonio, Texas, or intermediate points, by a foreign carrier which provides for transportation, in whole or in part, between San Antonio, Texas and Austin, Texas or intermediate points via the lines of a foreign line carrier.

^ Greyhound will not honor at Austin, Texas or San Antonio, Texas, or intermediate points, any ticket issued by a foreign line carrier at Austin, Texas, or at Intermediate points between Austin, Texas, or at Intermediate points between Austin, Texas and San Antonio, Texas, which provides for transportation to points beyond Austin Texas or San Antonio, Texas.

3. Other Rules and Regulations

Except as otherwise provided herein, Rules and Regulations governing this Tariff are as published in National Passenger Tariff, ICC MSTA 1000, amendments thereto or reissued by National Bus Traffic Association, Inc. Agent.
Greyhound Lines, Inc.
P.O. Box 660362
Dallas, TX 75266–0362

November 21, 1995

Mr. Robert R. Farris
Senior Vice President
VALLEY TRANSIT COMPANY, INC.
P.O. Box 530010
Harlingen, TX 78553

Via Facsimile (210) 423–4888 and U.S. Mail

SUBJECT: OPTIONAL HONORING OF TICKETS

Dear Bobby: Enclosed for your information is a copy of Special Honoring Arrangements Tariff, ICC GL 722–A, effective November 21, 1995, which cancels Special Honoring Arrangements Tariff, ICC GL 722. Special Honoring Arrangements Tariff, ICC GL 722–A states in pertinent part that tickets issued by Greyhound Lines, Inc. which include travel between San Antonio, TX and Austin, TX or intermediate points, may be honored by Greyhound only unless the ticket is properly ''closed'' to another company or a valid diversion sticker is affixed thereto. The tariff additionally provides that Greyhound will not honor at San Antonio, TX, or intermediate points by a foreign line carrier which provides for transportation, in whole or in part, between San Antonio, TX and Austin, TX, or intermediate points via the lines of a foreign line carrier. Finally, the tariff provides that Greyhound will not honor at Austin, TX or San Antonio, TX, or intermediate points, any ticket issued by a foreign line carrier at Austin, TX, or

* Denotes Addition SW–190–A Cancels SW–190

* Denotes Addition

^ Denotes Change

intermediate points between Austin, TX and San Antonio, TX which provides for transportation to points beyond Austin, TX or San Antonio, TX.

The provisions contained in that tariff imply the following:

(1) Valley Transit may not honor any Greyhound ticket for transportation, in whole or in part, between San Antonio, TX and Austin, TX or intermediate points.

(2) Greyhound will not honor any Valley ticket for transportation, in whole or in part, between San Antonio, TX and Austin, TX, or intermediate points when the origin of the ticket is Austin, TX, San Antonio, TX or intermediate points.

(3) Greyhound will not honor at Austin, TX, or San Antonio, TX, any Valley ticket that is issued at Austin, TX, San Marcos, TX, New Braunfels, TX, or Seguin, TX, which provides for transportation to points beyond Austin, TX or San Antonio, TX.

Please inform your personnel of the above so that they will not honor tickets which will have no reclaim value to your company and so that they will not issue tickets that Greyhound will not honor.

Very truly yours,

Gregory Alexander,

Director—Industry Relations.

Certificate of Service

I hereby certify that I have caused a copy of the foregoing UNITED STATES' RESPONSE TO PUBLIC COMMENTS to be served on counsel for defendant in this matter in the manner set forth below:

By facsimile and first class mail: Mark F. Horning, Esquire, Steptoe & Johnson, 1330 Connecticut Ave., N.W., Washington, D.C. 20036–1795, for defendant Greyhound Lines, Inc.

Dated: December 18, 1995.

Michael D. Billiel,

Antitrust Division, U.S. Department of Justice, 555 Fourth Street, N.W., Washington, D.C. 20001, (202) 307–6666.

[FR Doc. 96–2663 Filed 2–8–96; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

The Drugstore; Denial of Application

On June 22, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to The Drugstore, (Respondent) of Oak Grove, Louisiana, proposing to deny its application, executed on January 23, 1993, for registration as a retail pharmacy under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged *inter alia* that David Nagem, the owner of the Respondent company (Owner), (1) dispensed 11,850 various narcotic and non-narcotic controlled substances without a valid physician's authorization; (2) pled nolo contendere to charges brought by the Louisiana State Board of Pharmacy (Louisiana Board) that he had dispensed controlled substances without valid authorization and that he was responsible for controlled substances shortages at the pharmacy where he was employed; and (3) that he pled guilty to and was convicted of two counts of illegal distribution of controlled substances on June 5, 1992. The order also notified the Respondent that, should no request for a hearing be filed within 30 days, the hearing right will be deemed waived. The DEA received a receipt from the United States Postal Service showing that the order was delivered, and the receipt was signed and dated June 27, 1994. However, no reply was received by the DEA to the order.

Therefore, the Deputy Administrator concludes that the Respondent is deemed to have waived its hearing right. After considering the investigative file, the Deputy Administrator now enters his final order in this matter without a hearing pursuant to 21 CFR 1301.54(e) and 1301.57.

The Deputy Administrator finds that the Owner submitted a DEA application for registration as a retail pharmacy dated January 23, 1993, in the name of The Drugstore. In response to a question on this application, the Owner wrote that his Louisiana pharmacy license ''was taken from Jan[uary] 25, 1992[,] to July 25, 1992[,] for giving out medicine (prescription) without proof of legal prescription from a physician. David's [Louisiana] license was taken for 6 months, fine was given & paid, and probation during [that] time.'' No other adverse information or explanations were contained on the application.

DEA investigators researched the Owner's record in response to this application, finding that the West Carroll Parish Sheriff's Office (Sheriff) had conducted an investigation of the Owner after receiving information from a confidential source that he was dispensing controlled substances without prescriptions. The Sheriff found that, while the Owner was employed at the West Carroll Memorial Hospital Pharmacy, Oak Grove, Louisiana, he had dispensed, *inter alia*, Tylenol No. 3 and No. 4, and Darvocet without prescriptions authorized by a physician, to two individuals over a timeframe spanning January 1990 through January 1992. Also, between September 1990 through February 1992, he had dispensed controlled and non-controlled substances, including Xanax, Restoril, and Tylenol No. 4, to six other individuals without a physician-authorized prescription. Darvocet is a brand name for a substance containing propoxyphene napsylate, a Schedule IV controlled substance, Tylenol No. 3 and No. 4 are Schedule III controlled substances, Restoril is the brand name for a substance containing temazepam, a Schedule IV controlled substance, and Xanax is a brand name for a substance containing alprazolam, a Schedule IV controlled substance. As a result of this conduct, the Louisiana Board charged the Owner with five counts of violating Louisiana law by engaging in conduct which endangered the public health, by dispensing unauthorized Schedule III and IV controlled substances, and by violating audit shortage provisions of State law. On April 22, 1992, a hearing was held, the Owner entered a nolo contendere plea, and the Board ordered that the Owner's pharmacist's license be suspended for 60 months, actively for 3 months, and on probation for 57 months.

On June 8, 1992, the Owner entered a guilty plea in the Fifth Judicial District Court, Parish of West Carroll, Oak Grove, Louisiana, to two counts of unlawful distribution of drugs in violation of Louisiana law. The court accepted his plea and sentenced him to pay a total of $7,500.00 in fines. The Owner did not disclose this conviction on his DEA application.

On February 12, 1993, the Louisiana Board voided the Owner's application for a pharmacy permit for the Drugstore, concluding that the application was no longer active.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may deny an application if he determines that the DEA registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See Henry J.

Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In this case, all five factors are relevant in determining whether the Respondent's application should be denied as being inconsistent with the public interest. As to factor one, ''recommendation of the appropriate State licensing board,'' the Louisiana Board voided the Owner's pharmacy application for The Drugstore as being inactive. Further, the Board also suspended and placed on probation the Owner's pharmacy license as a result of finding that the Owner's conduct in 1990 through 1992 violated state controlled substances laws.

As to factor two, the Owner's ''experience in dispensing * * * controlled substances,'' factor three, the Owner's ''conviction record,'' and factor four, the Owner's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' the Owner admitted that he had dispensed controlled and non-controlled substances without prescriptions on numerous occasions in 1990 through 1992. He was convicted in June of 1992 of unlawful distribution of drugs in violation of Louisiana law.

As to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Owner failed to note his conviction on his DEA application in violation of the requirements established by 21 U.S.C. 824(a)(1). It has been previously noted that material falsification of an application, although not expressly mentioned under Section 823 as it is under Section 824, is an appropriate action to consider under factor five. See Robert L. Vogler, Docket No. 92–87, 58 FR 51385 (1992). The appropriate test for determining whether the Respondent had materially falsified any application is whether the Respondent ''knew or should have known'' that he submitted a false application. See Bobby Watts, M.D., 58 FR 46995 (1993); accord Herbert J. Robinson, M.D., 59 FR 6304 (1994). Here, the Owner was convicted in June of 1992, and he submitted his registration application in January of 1993. The specific question asked whether the ''applicant [had] ever been convicted of a crime in connection with controlled substances under State or Federal law.'' Thus, in preparing the application, the Owner ''knew or should have known'' that the question sought information about convictions and that he had been convicted. Yet he did not disclose that information as required.

As for mitigating information, the Deputy Administrator notes that the Respondent pled guilty to the charges against him, and in a letter to the Louisiana Board, he acknowledged his misconduct and stated remorse for his actions. However, the Owner has failed to provide any information or evidence, such as attendance at remedial courses or evidence of other corrective action taken, to assure that his future conduct would comply with Federal and State law governing the dispensing of controlled substances. The Owner's failure to respond to the Order to Show Cause, either by requesting a hearing or by submitting a written statement, indicates that he is either unwilling or unable to proffer support for this application. Therefore, the Deputy Administrator finds that the public interest is best served by denying the Respondent's application at this time, for the Owner's past conduct demonstrates that he cannot be entrusted with a DEA Certificate of Registration as an owner of a retail pharmacy.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that The Drugstore's application for a DEA Certificate of Registration as a retail pharmacy be, and it hereby is, denied. This order is effective March 11, 1996.

Dated: February 5, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–2766 Filed 2–8–96; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and 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.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and State:

Volume II

MARYLAND
MD950058 (FEB. 09, 1996)
MD950059 (FEB. 09, 1996)

Volume III

NORTH CAROLINA
NC950051 (FEB. 09, 1996)
NC950052 (FEB. 09, 1996)

Volume VI

ALASKA
AL950010 (FEB. 09, 1996)

Modifications to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

MAINE
ME950025 (FEB. 10, 1995)

Volume II

MARYLAND
MD950013 (FEB. 10, 1995)
VIRGINIA
VA950006 (FEB. 10, 1995)
VA950026 (FEB. 10, 1995)

Volume III

FLORIDA
FL950001 (FEB. 10, 1995)
FL950009 (FEB. 10, 1995)
FL950011 (FEB. 10, 1995)
FL950012 (FEB. 10, 1995)
FL950015 (FEB. 10, 1995)
FL950017 (FEB. 10, 1995)
FL950032 (FEB. 10, 1995)
FL950045 (FEB. 10, 1995)
FL950066 (FEB. 10, 1995)
GEORGIA
GA950083 (FEB. 10, 1995)
NORTH CAROLINA
NC950001 (FEB. 10, 1995)
NC950003 (FEB. 10, 1995)
NC950050 (FEB. 10, 1995)
SOUTH CAROLINA
SC950023 (FEB. 10, 1995)
SC950036 (FEB. 10, 1995)

Volume IV

ILLINOIS
IL950016 (FEB. 10, 1995)
IL950022 (FEB. 10, 1995)
IL950027 (FEB. 10, 1995)
IL950032 (FEB. 10, 1995)
IL950046 (FEB. 10, 1995)
IL950051 (FEB. 10, 1995)
IL950071 (FEB. 10, 1995)
IL950073 (FEB. 10, 1995)
IL950082 (FEB. 10, 1995)
IL950090 (FEB. 10, 1995)
IL950096 (FEB. 10, 1995)
IL950098 (FEB. 10, 1995)
OHIO
OH950001 (FEB. 10, 1995)
OH950002 (FEB. 10, 1995)
OH950003 (FEB. 10, 1995)
OH950012 (FEB. 10, 1995)
OH950024 (FEB. 10, 1995)
OH950028 (FEB. 10, 1995)
OH950029 (FEB. 10, 1995)
OH950032 (FEB. 10, 1995)
OH950034 (FEB. 10, 1995)
OH950035 (FEB. 10, 1995)
OH950036 (FEB. 10, 1995)
WISCONSIN
WI950001 (FEB. 10, 1995)

Volume V

TEXAS
TX950001 (FEB. 10, 1995)
TX950003 (FEB. 10, 1995)
TX950007 (FEB. 10, 1995)
TX950018 (FEB. 10, 1995)
TX950046 (FEB. 10, 1995)
TX950069 (FEB. 10, 1995)
TX950081 (FEB. 10, 1995)
TX950114 (FEB. 10, 1995)

Volume VI

ALASKA
AK950001 (FEB. 10, 1995)
HAWAII
HI950001 (FEB. 10, 1995)
NEVADA
NV950001 (FEB. 10, 1995)
NV950005 (FEB. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the 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, D.C. this 2nd day of February 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–2643 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–31,502; TA–W–31,502A]

Atkinson Oil Company (A/K/A Wm H. Atkinson Estate) Oklahoma City, OK and Operating at Other Locations in the State of Oklahoma; 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 Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on October 19, 1995, applicable to all workers of Atkinson Oil Company (aka Wm H. Atkinson Estate), located in Oklahoma City, Oklahoma. The notice was published in the Federal Register on November 9, 1995 (60 FR 56618–56620).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The workers produce crude oil and natural gas. The company reports that worker separations have occurred at various locations of their production facilities in the State of Oklahoma. Therefore, the Department is amending the certification to cover the worker separations within the State of Oklahoma.

The intent of the Department's certification is to include all workers of Atkinson Oil Company who were adversely affected by increased imports.

The amended notice applicable to TA–W–31,502 is hereby issued as follows:

''All workers of Atkinson Oil Company (aka Wm H. Atkinson Estate), Oklahoma City, Oklahoma, and operating at various locations within the State of Oklahoma who became

totally or partially separated from employment on or after August 31, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 15th day of December 1995.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2897 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,689E]

Baker Hughes INTEQ, A/K/A Baker Hughes Oilfield Equipment Headquartered in Houston, TX, and Operating at Various Locations in the State of Louisiana; 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 February 16, 1995, applicable to all workers of Baker Hughes Inteq, headquartered in Houston, Texas and operating at various locations in the State of Louisiana. The notice was published in the Federal Register on March 1, 1995 (60 FR 11120).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. Findings show that the workers are engaged in employment related to the exploration and drilling of crude oil and natural gas for unaffiliated firms. The company reports that some workers of Baker Hughes Inteq have had their wages reported under the tax account of Baker Hughes Oilfield Operations, Inc. The Department is 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 amended notice applicable to TA–W–30,689E is hereby issued as follows:

''All workers of Baker Hughes Inteq, a/k/a Baker Hughes Oilfield Operations, headquartered in Houston, Texas and operating in various locations in the State of Louisiana who became totally or partially separated from employment on or after January 9, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 29th day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2886 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,327 and TA–W–31, 3270]

BJ Services Company, U.S.A. Including Former Employees of Western Company of North America A/K/A Western Oceanic Services, Inc., Headquartered in Houston, TX and Operating in Various Locations in the State of 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 October 13, 1995, applicable to all workers of BJ Services Company, U.S.A., headquartered in Houston, Texas and operating at various locations in the State of Texas. The notice was published in the Federal Register on October 27, 1995 (60 FR 55064).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. Findings show that the workers are engaged in employment related to the production of crude oil and natural gas. New information reported by the company shows that in April 1995, BJ Services bought the Western Company of North America. Some workers of BJ Services have had their wages reported under the predecessor tax account of Western Company of North America as well as Western Oceanic Services, Inc. The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA–W–31,327 and TA–W–31,3270 is hereby issued as follows:

''All workers of BJ Services Company, U.S.A., including former employees of Western Company of North America, A/K/A Western Oceanic Services, Inc., headquartered in Houston, Texas (TA–W–31,327), and operating in various locations in the State of Texas (TA–W–31,3270) who became totally or partially separated from employment on or after August 3, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 22nd day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2889 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,504 and TA–W–31,504A]

Diamond Offshore Drilling, Incorporated A/K/A Diamond Offshore Management Company, Houston, TX and Other 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 November 7, 1995, applicable to all workers of Diamond Offshore Drilling, Incorporated, Houston, Texas and Texas. The notice was published in the Federal Register on November 24, 1995 (60 FR 58103).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New information reported by the company shows that some of the workers at Diamond Offshore Drilling had their unemployment insurance (UI) taxes paid to Diamond Offshore Management Company.

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–31,504 and TA–W–31,504A is hereby issued as follows:

''All workers of Diamond Offshore Drilling Incorporated, a/k/a Diamond Offshore Management Company, Houston, Texas (TA–W–31,504) and other locations in Texas (TA–W–31,504A) who became totally or partially separated from employment on or after September 10, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 18th day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2887 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,550, TA–W–30,550B, and TA–W–30,550J]

Grace Energy Corporation A/K/A GEC Management Corporation, Dallas, TX, et al.; 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 27, 1995, applicable to all workers of Grace Energy Corporation, Dallas, Texas, and Grace Petroleum Corporation operating at various locations in the State of Texas. The notice was published in the Federal Register on February 14, 1995 (60 FR 8415). The certification was subsequently amended to include workers of Grace Drilling Company located in Dallas, Texas. The notice was published in the Federal Register on March 1, 1995 (60 FR 11116).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. Findings show that the workers are engaged in the production of crude oil and natural gas. The company reports that some of the workers of Grace Energy Corporation, Grace Petroleum Corporation and Grace Drilling Company had their unemployment insurance (UI) taxes paid to GEC Management Corporation, the parent company. Accordingly, the Department is again amending the certification to include GEC Management Corporation.

The intend of the Department's certification is to include all workers of the subject firms who were adversely affected by increased imports.

The amended notice applicable to TA–W–30,550, TA–W–30,550B, and TA–W–30,550J is hereby issued as follows:

''All workers of Grace Petroleum Corporation, a/k/a GEC Management Corporation, operating in various locations in the State of Texas who became totally or partially separated from employment on or after August 21, 1994; for workers of Grace Energy Corporation, a/k/a GEC Management Corporation, Dallas, Texas who became totally or partially separated from employment on or after December 18, 1994; and for workers of Grace Drilling Company, a/k/a GEC Management Corporation, Dallas, Texas who became totally or partially separated from employment on or after February 12, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 22d day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2890 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,001A]

Jencraft Manufacturing Company, Incorporated A/K/A Jencraft Corporation, McAllen, TX; 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 an amended Certification of Eligibility to Apply for Worker Adjustment Assistance on May 11, 1995, applicable to all workers of Jencraft Manufacturing Company, Incorporated located in McAllen, Texas. The notice was published in the Federal Register on May 24, 1995 (59 FR 27561).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New information reported by the company shows that some of the workers at Jencraft had their unemployment insurance (UI) taxes paid to Jencraft Corporation

Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA-W–30,001A is hereby issued as follows:

''All workers of Jencraft Manufacturing Company, Incorporated, a/k/a Jencraft Corporation, McAllen, Texas engaged in employment related to the production of mini and vertical blinds who became totally or partially separated from employment on or after June 5, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed in Washington, D.C. this 18th day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2888 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,688]

Monarch Tile, Inc. Marshall, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 4, 1995, in response to a petition which was filed by a company official on December 4, 1995, on behalf of workers at Monarch Tile, Inc., Marshall, Texas.

The petitioning company has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 18th day of January 1996.

Russell Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2895 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,731]

Oxford Industries, Incorporated Atlanta, GA; Notice of Termination of investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 11, 1995 in response to a petition which was filed on November 21, 1995, by the company, on behalf of workers at Oxford Industries, Incorporated, Atlanta, Georgia.

The Petitioner has requested that the petition be withdrawn. The Atlanta location is the company headquarters and was mistakenly instituted, by this office, as an affected location There were, in fact, no layoffs at the Atlanta, Georgia location. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 17th day of January, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2896 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,748]

Union Supply Company Midland, TX; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 18, 1995 in response to a worker petition which was filed on behalf of workers at Union Supply Company, Midland, Texas.

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 in Washington, D.C. this 19th day of January, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2894 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00697]

Boise Cascade, Timber & Wood Products Division; Yakima, WA; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, an investigation was initiated on November 22, 1995 in response to a worker petition which was filed on November 22, 1995 on behalf of workers at Boise Cascade Corporation, Timber & Wood Products Division, Yakima, Washington.

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, D.C. this 23rd day of January, 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2892 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00662, 00662A]

Equitable Resources Energy Company Buckhannon, WV; Various Locations in the State of Pennsylvania

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on December 1, 1995, applicable to all workers at Equitable Resources Energy Company located in Buckhannon, West Virginia. The notice will soon be published in the Federal Register.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New findings show that worker separations have occurred at the subject firm operations at various locations in the State of Pennsylvania. The workers are engaged in employment related to the production of natural gas. Accordingly, the Department is amending the certification to include the workers of the subject firm in Pennsylvania.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports from Mexico and Canada.

The amended notice applicable to NAFTA—00662 is hereby issued as follows:

''All workers of Equitable Resources Energy Company, Buckhannon, West Virginia (NAFTA–00662) and various locations in the State of Pennsylvania (NAFTA–00662A) who became totally or partially separated from employment on or after October 19, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, D.C. this 22nd day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2891 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00675]

M.J. Electric, Inc., Iron Mountain, MI; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on November 6, 1995 in response to a petition filed by a union representative on behalf of workers at M.J. Electric, Inc. located in Iron Mountain, Michigan. Workers were electrical subcontractors for the Copper Range Company, NAFTA–583 which shut down on September 30, 1995.

In a letter dated January 23, 1996, the petitioner requested that the petition for NAFTA–TAA be withdrawn because at the present time the employees of M.J. Electric, Inc. who had been working at Copper Range have not been laid-off. The two workers have been reassigned to other jobs. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 23rd day of January 1996.

Russell T. Kile,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 96–2893 Filed 2–8–96; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Scientific Computing; 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 Advanced Scientific Computing (#1185).

Date and Time: February 26, 1996, 8:30 am to 5 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1150, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. John Van Rosendale, Program Director, New Technologies Program, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1962.

Purpose of Meeting: To provide recommendations and advice concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Postdoctoral Research Associate Program (Postdoc) 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2791 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Bioengineering and Environmental Systems; 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 Bioengineering and Environmental Systems (No. 1189).

Date and Time: February 29, 1996; 8 a.m.-5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 565, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: William A. Weigand, Program Director, Biochemical Engineering, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate CAREER 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2795 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemical and Transport Systems; 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 Chemical & Transport Systems (#1190).

Date: February 26, 1996; 8:30 am to 5:00 pm.

Place: Room 530, National Science Foundation 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact person: Dr. Deborah Kaminski, Program Director, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: 703/306–1370.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Faculty Early Career Award proposals submitted to the Thermal Transport and Thermal Processing Program as part of the selection process for awards.

Reason for Closing: The proposal 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. The matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government Sunshine Act.

Dated: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2788 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Civil and Mechanical Systems; 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: Special Emphasis Panel in Civil and Mechanical Systems (#1205).

Date and Time: March 1, 1996, 8:30 a.m. to 5:00 p.m.

Place: Room 565, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Priscilla P. Nelson, Program Director Geomechanical, Geotechnical and Geo-environmental, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 306–1361.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Unsolicited 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2797 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date and Time: February 28 and February 29, 1996; 8:30 a.m. to 5 p.m.

Place: NSF, 4201 Wilson Boulevard, Room 530, Arlington, Virginia.

Contact Person: Dr. Devendra P. Garg, Program Director, Dynamic Systems & Control Program, Division of Civil and Mechanical Systems, Room 545, NSF, 4201 Wilson Blvd, Arlington, VA 22230 703/306–1361, x 5068.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research 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 Sunshine Act.

Dated: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2793 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; 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 Electrical and Communications Systems (1196).

Date and Time: March 6, 1996; 8:00 am—5:00 pm

Place: NSF, Room 680.

Type of Meeting: Closed.

Contact Person: Dr. Albert B. Harvey, Program Director, ECS, Room 675, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: (703) 306–1339.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate applications of Faculty Early Career Development (CAREER) research 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2794 Filed 2–8–96; 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 meetings:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: February 29, 1996, 8:30 pm–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1020, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. Liselotte J. Schioler, Program Director, Division of Materials Research, Room 1065, National Science

Foundation, 4201 Wilson Blvd, Arlington, VA, 22230, Telephone (703) 306–1836.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Faculty Early Career Development (CAREER) Program.

Reason for Closing: The proposals being reviewed may include 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. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2792 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical 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 meetings.

Name and Committee Code: Special Emphasis in Mathematical Sciences (1204).

Date and Time: February 26-27, 1996; 8:30 a.m. until 5:00 p.m.

Place: Room 1060, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. Joe Jenkins, Program Director, National Science Foundation, 4201 Wilson, Boulevard, Arlington, VA, 22230, Telephone (703) 306–1870.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the Analysis Program nominations/applications 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2796 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical 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 and Committee Code: Special Emphasis in Mathematical Sciences (1204).

Date and Time: February 26–27, 1996; 8:30 a.m. until 5:00 p.m.

Place: Room 340, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Alvin I. Thaler, Program Director, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1880.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals concerning the Faculty Early Career Development (CAREER) Program, 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2789 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; 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: Special Emphasis in Polar Programs (#1209).

Date and Time: February 29, thru March 1, 1996, 8:00 am to 5:00 pm.

Place: Room 730, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Michael Ledbetter and Dr. Odile De La Beaujardiere, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1029.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Arctic Systems and Arctic Natural Sciences 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: February 5, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–2790 Filed 2–8–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–32380, License No. 29–28659–01 EA 95–163]

Canspec Materials Testing, Inc., Middlesex, NJ; Order Imposing Civil Monetary Penalty

I

Canspec Materials Testing, Inc. (Licensee) is the holder of byproduct Materials License No. 29–28659–01 issued by the Nuclear Regulatory Commission (NRC or Commission) on August 12, 1991. The license authorizes the Licensee to possess and use byproduct material for industrial radiography and replacement of sources in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on July 19 and 25, 1995. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated September 13, 1995. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations.

The Licensee responded to the Notice in two letters, both dated October 11, 1995. In its responses, the Licensee admitted Violations A through D and F through H; denied Violation E; and requested that the proposed civil penalty be reduced if not dismissed.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered* That:

The Licensee pay a civil penalty in the amount of $5,000 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a ''Request for an Enforcement Hearing'' and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406–1415.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the Licensee was in violation of the Commission's requirements as set forth in Violation E of the Notice referenced in Section II above; and

(b) whether, on the basis of such violation, and the additional violations set forth in the Notice that the Licensee admitted, this Order should be sustained.

For The Nuclear Regulatory Commission.

James Lieberman,

Director, Office of Enforcement.

Dated at Rockville, Maryland, this 2nd day of February 1996.

Appendix—Evaluations and Conclusion

On September 13, 1995, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection. Canspec Materials Testing, Inc. (Licensee or CTI) responded to the Notice on October 11, 1995. The Licensee admitted seven violations (Violations A–D and F–H), denied one violation (Violation E) and requested mitigation or dismissal of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

1. Restatement of Violation E

10 CFR 34.24 requires, in part, that each survey instrument used to conduct physical radiation surveys be calibrated at intervals not to exceed three months and after each instrument servicing.

Contrary to the above,

1. on June 8, 1995, a licensee employee conducted physical radiation surveys with a survey instrument (Serial Number 3369) which was last calibrated on February 17, 1995, an interval exceeding three months.

2. on July 11, 1995, a licensee employee conducted physical radiation surveys with a survey instrument (Serial Number 2015) which was last calibrated on March 28, 1995, an interval exceeding three months.

3. on August 15, 1994, a licensee radiographer conducted physical radiation surveys with a survey instrument (Serial Number 3369) which was last calibrated on April 4, 1994, an interval exceeding three months.

This is a repetitive violation.

2. Summary of the Licensees Response to Violation E

The Licensee denied this violation, and stated that there was always a calibrated meter in use for surveys. The Licensee's president stated that he must have misunderstood a conversation he had with an NRC inspector regarding the use of survey instruments. The Licensee's president also stated that he was under the impression that as long as the survey meter used for compliance surveys was calibrated, a second meter could be used for information only.

Further, the Licensee's president stated that when an audit was performed in the field and the equipment was found to be out of calibration they only had to go to ''our trailer'' to obtain properly calibrated equipment. In addition, the Licensee stated that an NRC inspector allowed them to return to work because there was properly calibrated functional equipment on site for use. The Licensee also stated that the company had the appropriate equipment in place for use. However, the workers did not take the time to check calibration dates before starting to work.

3. NRC Evaluation of the Licensees Response to Violation E

10 CFR 34.24 requires, in part, that each survey instrument used to conduct physical radiation surveys be calibrated at intervals not to exceed three months and after each instrument servicing. The inspection findings were based on a review of documentation of survey instrument use and calibration, maintained by the Licensee, which indicated instances where the survey instrument used to show compliance had not been calibrated at the required frequency. While the Licensee may have had in its possession survey instruments which were calibrated as required, the Licensee did not comply with the requirement as stated in 10 CFR 34.24. Specifically, survey meters used by the Licensee to perform physical radiation surveys to ensure compliance with 10 CFR 34.24 on the dates specified in the Notice had not been calibrated within the previous three months as required.

Having appropriately calibrated instruments on site or available for use does not demonstrate compliance with this requirement. It is the licensee's responsibility to assure that the instrument used is calibrated as required. Therefore, the NRC concludes that the Licensee has not provided an adequate basis for withdrawal of the violation.

On November 14, 1995, Mr. Frank Costello, Chief, Nuclear Materials Safety Branch 3, NRC, contacted the Licensee's president by telephone for clarification of the Licensee's statement, in its October 11, 1995 response, concerning an NRC inspector allowing the Licensee to return to work because properly calibrated functional equipment was on site. During the telephone conversation, the Licensee's president stated that the NRC inspector allowed the radiographers to return to work only after assuring that they were using calibrated equipment.

4. Summary of Licensee's Request for Mitigation

In its responses, the Licensee requested that the proposed civil penalty be reviewed for reduction if not dismissal. In June of 1995, Canspec was purchased by the current president. The president stated his contention that prior to this purchase, time was not spent where it should have been and now that he has assumed the position of president he will spend the time required to ensure that policy is followed ''to the letter.'' The president stated that now he has greater control over the operation and will be able to spend the time necessary sorting out any problems with individuals and if they fail to conform, they will be replaced. The Licensee also stated its belief that the violations were not entirely the company's responsibility. Further, the president stated that the company had fulfilled the calibration requirements, yet the men made a mistake by not checking the calibration dates before starting to work.

5. NRC Evaluation of Licensee's Request for Mitigation

The NRC determined that the violations, given their number, nature, and the fact that three were repetitive, were of significant

regulatory concern and appeared to be indicative of the lack of management control over licensed activities. The lack of management control was evidenced by the fact that 13 violations were identified during the two NRC inspections in 1994. Therefore, the violations were appropriately characterized at Severity Level III in accordance with the ''General Statement of Policy and Procedure for NRC Enforcement Actions'' (Enforcement Policy), NUREG–1600 (60 FR 34381; June 30, 1995).

As to the president's statements concerning his increased control over the Licensee's operation, the NRC considers that such actions are part of the Licensee's corrective action and expects licensees to exercise adequate management control over licensed activities consistently to ensure the protection of the public and the environment. Regardless of who committed the violations, the Licensee is responsible for the acts of its employees and for assuring that it is in compliance with all applicable regulations.

Therefore, the NRC concludes that the Licensee has not provided an adequate basis for mitigation or withdrawal of the civil penalty.

6. NRC Conclusion

The NRC has concluded that the violation occurred as stated and that an adequate basis for mitigation of the civil penalty was not provided by the Licensee. Consequently, the proposed civil penalty in the amount of $5,000 should be imposed.

[FR Doc. 96–2838 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–354]

Public Service Electric and Gas Company and Atlantic City Electric Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–57 issued to Public Service Electric and Gas Company and Atlantic City Electric Company (the licensee), for operation of the Hope Creek Generating Station, located on the east shore of the Delaware River in Lower Alloways Creek Township, Salem County, New Jersey.

The proposed amendment would change Hope Creek Generating Station Technical Specifications 4.6.2.2.b, ''Suppression Pool Spray,'' and 4.6.2.3.b, ''Suppression Pool Cooling,'' to include flow through the RHR heat exchanger bypass line (in addition to the RHR heat exchanger) in the Suppression Pool Cooling and Suppression Pool Spray flow path used during RHR pump testing.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will not involve a significant increase in the probability or consequences of an accident previously analyzed.

The proposed amendment request changes Surveillance Requirement (SR) 4.6.2.3.b of Technical Specification (TS) 3.6.2.3, Suppression Pool Cooling, and SR 4.6.2.2.b of TS 3.6.2.2, Suppression Pool Spray, to clarify that the intent of these specific SRs is to confirm Residual Heat Removal (RHR) pump performance during Suppression Pool Cooling (SPC) and Suppression Pool Spray (SPS) operation. The proposed change revises the SRs to include the RHR heat exchanger bypass line, with the bypass valve closed, and the RHR heat exchanger in the SPC and SPS flow path used during performance of the surveillances.

The RHR system is an accident mitigation system. The proposed changes do not change the operation or capabilities of the RHR system in either mode of operation. The proposed changes do not involve any physical changes to the RHR system. The proposed changes merely modify the acceptable flow path for the surveillance tests, the purpose of which is to verify pump performance in these modes of operation. Therefore, the proposed change to the SRs for the SPC and SPS mode of operation of the RHR system will not increase the probability of an accident previously evaluated.

Furthermore, the performance of the RHR system in any of its operational modes will be unchanged by the proposed change. The changes affect only the pump performance SRs for the SPC and SPS modes of RHR system operation. The surveillances being changed only modify the acceptable flow path used during the performance of the pump performance surveillances. The surveillances still verify that pump performance has not degraded to a point where the accident mitigation function of the system has not been compromised. Therefore, the proposed change will not involve an increase in the consequences of an accident previously evaluated.

2. Will not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change, a clarification of the SPC and SPS mode flow paths for pump performance testing, does not result in a modification of the RHR system, change the method of SPC or SPS operation, or alter the system's effectiveness. Suppression Pool Cooling and Containment Spray Cooling, of which Suppression Pool Spray is a part, are manually initiated actions. Existing procedures for the initiation of these two modes of operation are unchanged, including the requirement that the Low Pressure Coolant Injection valve is closed before the containment spray valves can be opened. There are no new failure modes created by the proposed changes and no new accident initiating events are created. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will not involve a significant reduction in a margin of safety.

The proposed changes do not change the operation of the RHR system in any of its modes of operation. The changes only clarify the fact that the purpose of the SRs is to confirm RHR pump performance through the most restrictive conditions of the flow path while operating in either the SPC or SPS modes. The changed surveillances still verify that pump performance has not degraded to a point where the original design basis can not be met. In order to assure the system meets its original design basis, adequate flow through the heat exchanger during surveillance testing will be maintained. Since the function of all of the operational modes of the RHR system are unaffected by the revised surveillance test flow path, the proposed changes will maintain the existing margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would

result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the Federal Register a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 11, 1996, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John F. Stolz, Director, Project Directorate I–2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to M. J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, NW, Washington, DC 20005–3502, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 5, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 6th day of February 1996.

For the Nuclear Regulatory Commission.

David H. Jaffe,

Senior Project Manager, Project Directorate I–2, Division of Reactor Projects—I/II, Office of the Nuclear Reactor Regulation.

[FR Doc. 96–2839 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. STN 50–529]

Arizona Public Service Company; Palo Verde Nuclear Generating Station, Unit No. 2, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. NPF–51, issued to Arizona Public Service Company (the licensee), for operation of the Palo Verde Nuclear Generating Station, Unit No. 2, located in Maricopa County, Arizona.

Environmental Assessment

Identification of the Proposed Action

The exemption from 10 CFR 50.46; 10 CFR Part 50, Appendix K; and 10 CFR 50.44 would allow the substitution of up to a total of 80 fuel rods clad with advanced zironium-based alloys in two fuel assemblies for in-reactor performance evaluation purposes during Cycles 7, 8, and 9 for PVNGS Unit 2.

The proposed action is in accordance with the licensee's application for exemption dated December 20, 1995.

The Need for the Proposed Action

The proposed action would permit the use of fuel rods clad with Zirconium-based alloys other than Zircaloy-4 in PVNGS Unit 2 for Cycles 7, 8, and 9.

Environmental Impacts of the Proposed Action

The temporary exemption will not significantly change the environmental impact of operating the facility. The analysis generated by ABB–Combustion Engineering, Inc. (ABB–CE), demonstrates that the predicted chemical, mechanical, and material performance of the advanced zirconium-based cladding is within that approved for zircaloy under anticipated operational occurrences and postulated accidents. Thus, the normal fuel performance characteristics of the advanced zirconium-based clad fuel rods will be essentially the same as those observed for standard Zircaloy-4 fuel rods. Furthermore, the lead fuel assemblies will be placed in nonlimiting core locations which do not experience core power density throughout the irradiated periods. The current design bases requirements were applied to the proposed advanced zirconium-based cladding. Because the expected operating conditions (both normal and LOCA) are within those assumed for the fuel rods currently licensed for Palo Verde Unit 2, it is concluded that the licensing basis will not be compromised by incorporating a limited number (40) of advanced zirconium-based clad fuel rods and the environmental impacts of operation under the proposed action will be similar to those currently experienced at the facility.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the ''Final Environmental Statement Related to the Operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3,'' dated February 1982.

Agencies and Persons Consulted

In accordance with its stated policy, on February 1, 1996, the staff consulted with the Arizona State official, Mr. William Wright of the Arizona Radiation Regulatory Agency, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 20, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 31st day of January 1996.

For the Nuclear Regulatory Commission.

Charles R. Thomas,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2834 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–445 and 50–446]

Texas Utilities Electric Company; Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. NPF–87 and NPF–89, issued to Texas Utilities Electric Company (TU Electric, the licensee), for the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas.

Identification of the Proposed Amendment

The current licensing basis for CPSES allows up to 1116 fuel assemblies in two storage pools. The currently authorized as-installed configuration has 20 low density racks installed in Spent Fuel Pool No. 1 (SFP1) (556 fuel assembly locations). The proposed action would authorize the use of high density spent fuel storage racks in Spent Fuel Pool No. 2 (SPF2) with a capacity for storing 735 fuel assemblies, for a total of 1291 fuel assemblies.

The proposed action is in accordance with the licensee's application for license amendment dated December 30, 1994, as supplemented by letters dated July 28, September 14, and November 29, 1995, and January 2, 1996.

The Need for the Proposed Action

The ''Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel,'' NUREG–0575, Volumes 1–3, concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because the differences in design, the FGEIS recommended evaluating spent fuel pool expansion on a case-by-case basis.

For CPSES, the expansion of the storage capacity of SFP2 will not create any significant additional radiological effects or nonradiological environmental impacts.

The additional whole body dose that might be received by an individual at the site boundary and the estimated dose to the population within 80 kilometer radius is believed to be too small to have any significance when compared to the fluctuations in the annual dose this population receives from exposure to background radiation. The occupational radiation dose for the proposed operation of the expanded spent fuel pool is estimated to be less than one percent of the total annual occupational radiation exposure for this facility.

The only nonradiological impact affected by the expansion of SFP2 is the waste heat rejected. The total increase in heat load rejected to the environment will be small in comparison to the amount of total heat currently being released. There is no significant environmental impact attributed to the waste heat from the plant due to this very small increase.

Finding of No Significant Impact

The staff has reviewed the proposed spent fuel pool expansion to the facility relative to the requirements set forth in 10 CFR Part 51. Based on this assessment, the staff concludes that there is no significant radiological or nonradiological impacts associated with the proposed action and that the issuance of the proposed amendment to the license will have no significant impact on the quality of the human environment. Therefore, pursuant to 10 CFR 51.31, no environmental impact statement needs to be prepared for this action.

For further details with respect to this action, see (1) the application for amendment to the TSs dated December 30, 1994, as supplemented July 28, September 14, and November 29, 1995, and January 2, 1996, (2) the FGEIS on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG–0575), (3) the Final Environmental Statement for the CPSES, Units 1 and 2, dated October 1989, and (4) the Environmental Assessment dated February 5, 1996.

These documents are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 702 College, P. O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 5th day of February 1996.

For the Nuclear Regulatory Commission.

William D. Beckner,

Director, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2835 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

Relocation of the Pressure Temperature Limit Curves and Low Temperature Overpressure Protection System Limits; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 96–03 to advise licensees of nuclear power reactors that they may request a license amendment to relocate the pressure temperature (P/T) limit curves from their plant technical specifications to a pressure temperature limits report (PTLR) or a similar document. The low temperature overpressure protection (LTOP) system limits may also be relocated to the same document at the discretion of the licensee. This generic letter is available in the Public Document Rooms under accession number 9601290350.

DATES: The generic letter was issued on January 31, 1996.

ADDRESSEES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Maggalean W. Weston at (301) 415–3151.

SUPPLEMENTARY INFORMATION: None.

Dated at Rockville, Maryland, this 1st day of February, 1996.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2836 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–029, (License No. DPR–3)]

Yankee Atomic Electric Company, Receipt of Petition for Director's Decision Under 10 C.F.R. 2.206

Notice is hereby given that by an ''Emergency Motion for Compliance with Circuit Court Opinion'' (Petition), dated January 17, 1996, Citizens Awareness Network and New England Coalition on Nuclear Pollution (Petitioners) request that the Nuclear Regulatory Commission (NRC) take action with regard to operation by Yankee Atomic Energy Company (YAEC or Licensee) of its Nuclear Power Station at Rowe, Massachusetts (Yankee Rowe).

By an Order dated January 23, 1996, the Commission referred the Emergency Motion to the NRC staff for treatment as a petition pursuant to 10 C.F.R. § 2.206 of the Commission's regulations. The Commission ordered the NRC staff to respond to the Petitioners' claim of emergency within 10 days, or February 2, 1996, and to the Petition as a whole within 30 days, or February 22, 1996.

Petitioners request that the NRC comply with *Citizens Awareness Network Inc.* v. *United States Nuclear Regulatory Commission* and *Yankee Atomic Electric Company*, 59 F.3d 284 (1st Cir. 1995) (*CAN* v. *NRC*). Specifically, Petitioners request that the Commission immediately order:

(1) YAEC not to undertake, and the NRC staff not to approve, further major dismantling activities or other decommissioning activities, unless such activities are necessary to assure the protection of occupational and public

health and safety; (2) YAEC to cease any such activities; and

(3) NRC Region I to reinspect Yankee Rowe to determine whether there has been compliance with the Commission's Order of October 12, 1995 (CLI–95–14), and to issue a report within ten days of the requested order to Region I.

As the bases for their requests, Petitioners state that:

(1) *CAN* v. *NRC* requires the cessation, and prohibits commencement, of decommissioning activities at Yankee Rowe, pending final approval of the licensee's decommissioning plan after opportunity for a hearing. CLI 95–14 forbids YAEC from conducting any further major dismantling or decommissioning activities until final approval of its decommissioning plan after completion of the hearing process;

(2) *CAN* v. *NRC* obliges the Commission and the staff to provide an opportunity to interested persons for a hearing to approve a decommissioning plan;

(3) *CAN* v. *NRC* requires the Commission to reinstate its pre-1993 interpretation of its decommissioning regulations, General Requirements for Decommissioning Nuclear Facilities, 53 FR 24,018, 24,025–26 (June 27, 1988), limiting the scope of permissible activities prior to approval of a decommissioning plan to decontamination, minor component disassembly, and shipment and storage of spent fuel, if permitted by the operating license and/or 10 C.F.R. 50.59. Under *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI–90–08, 32 NRC 201, 207, n.3 (1990), this means that the licensee may not take any action that would materially affect the methods or options available for decommissioning, or that would substantially increase the costs of decommissioning, prior to approval of a decommissioning plan. Under CLI–91–2, 33 NRC at 73, n.5, and CLI–92–2, 35 NRC at 61, n.7, other decommissioning activities, in addition to major ones, are prohibited, including offsite shipments of low-level radioactive waste produced by decommissioning activities, until after approval of a decommissioning plan;

(4) decommissioning activities permitted by NRC Inspection Manual, Chapter 2561, § 06.06, ''Modifications or Changes to the Facility'', before approval of a decommissioning plan are limited to maintenance, removal of relatively small radioactive components or non-radioactive components, and characterization of the plant or site;

(5) YAEC is conducting decommissioning activities, with the approval of the NRC technical staff, in flagrant violation of *CAN* v. *NRC* and of CLI–95–14, thus threatening to render the decommissioning process nugatory and to deprive Petitioners of their hearing rights under Section 189a of the Atomic Energy Act;

(6) by letter dated October 19, 1995, YAEC described decommissioning activities in progress, and by letter dated October 24, 1994, interpreted permissible ''major'' dismantling as removal of non-radioactive material required to support safe storage of spent fuel and of those portions of the facilities which remain, or to support future dismantlement. Of the nine activities proposed in the letter of October 19, 1995, five constitute major dismantling or other impermissible decommissioning activities, such as major structural changes in the nature of Component Removal Project activities found unlawful in *CAN* v. *NRC* and in CLI–95–14;

(7) by letter dated November 2, 1995, the NRC staff approved the activities described by the Licensee in its letter of October 19, 1995;

(8) Petitioners advocate the SAFSTOR decommissioning alternative because it allows levels of radioactivity and waste volumes to decrease, thus reducing occupational and public radiation exposures, and lowering decommissioning costs;

(9) NRC Inspection Report No. 50–29/95–05 (December 16, 1995) concludes that the issue whether activities observed were in compliance with CLI 95–14 is unresolved, but approves YAEC's proposed activities, contrary to the requirements of NRC Inspection Manual, Chapter 2561, § 06.06, ''Modifications or Changes to the Facility'' (March 20, 1992); and

(10) YAEC's criterion for permissible decommissioning activities, that any activity involving less than 1 percent of the on-site radioactive inventory is not ''major'' and may take place before approval of a decommissioning plan, violates *CAN* v. *NRC* because it would allow completion of decommissioning before any decommissioning plan could be approved in hearing, and constitutes unlawful segmentation under the National Environmental Policy Act.

The Petitioners' request for emergency action to cease decommissioning activities was mooted in part by the Licensee's completion of eight of the nine activities evaluated by the NRC staff letter of November 2, 1995. Even if these activities had not been completed, they would have been permissible under the Commission's pre-1993 interpretation of its decommissioning regulations. By letter dated January 31, 1996, Petitioners' request for emergency action to cease shipment of low-level radioactive waste produced by decommissioning activities was denied, and Petitioners' request for reinspection of the Yankee Rowe facility to determine compliance with CLI–95–14 and to issue an inspection report was granted.

The Petition is being evaluated pursuant to 10 C.F.R. 2.206 of the Commission's regulations by the Director of the Office of Nuclear Reactor Regulation. As provided by the Commission's Order of January 23, 1996, a decision on the Petition as a whole will be issued no later than 30 days from the date of the Order, or February 22, 1996.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 2nd day of February 1996.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 96–2837 Filed 2–8–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against U.S. products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on government procurement specified by Section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by Title VII of the Omnibus Trade and Competitiveness Act of 1988 and Title III, Section 341 of the Uruguay Round Agreements Act of 1994 (19 U.S.C. 2515).

Section 305 of the Trade Agreement Act requires the President to submit an annual report on the extent to which foreign countries discriminate against U.S. products or services in making government procurement. Section 341 of the Uruguay Round Agreement Act specifies that the report also contain

information about countries which employ non-transparent procurement procedures or fail to maintain effective prohibitions on bribery and other corrupt practices. Specifically, the President is required to identify any countries that:

(a) Are signatories to the former GATT and/or WTO Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(b) Are signatories to the Agreement; are in compliance with the Agreement, but maintain a significant and persistent pattern or practice of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business; and whose products or services are acquired in significant amounts by the U.S. Government; or

(c) Are not signatories to the Agreement and maintain a significant and persistent pattern or practice of discrimination in government procurement of products or services from the United States, which results in identifable harm to U.S. business, and whose products or services are acquired in significant amounts by the U.S. Government; or

(d) Are not signatories to the Agreement and fail to apply transparent and competitive procedures to its government procurement equivalent to those in the Agreement and whose products and services are acquired in significant amounts by the U.S. Government; or

(e) Are not Signatories to the Agreement and fail to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement and whose products and services are acquired in significant amounts by the U.S. Government.

The functions vested in the President under Section 305 of the Trade Agreements Act were delegated to the United States Trade Representative (USTR) pursuant to Section 4–101 of Executive Order 12661 (54 FR 779).

DATES: Submissions containing the information described below must be received on or before March 1, 1996.

ADDRESSES: Comments must be submitted to Carolyn Frank, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such at the top of the cover page or letter and each succeeding page and must be accompanied by a nonconfidential summary.

FOR FURTHER INFORMATION CONTACT: Elena Bryan (202–395–5097) or Mark Linscott (202–395–3063), Office of WTO and Multilateral Affairs, or Laura B. Sherman (202–395–3150), Office of the General Counsel, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: Section 305 of the Trade Agreements Act requires an annual report to be submitted no later than April 30, 1996 to the appropriate Committees of the House of Representatives and the Senate. The USTR is required to request consultations with any countries identified in the report to remedy the procurement practices cited in the report.

Effective January 1, 1996, the new WTO Government Procurement Agreement entered into force and the United States withdrew from the GATT Government Procurement Code. Therefore, this year's Title VII review will include both agreements. The WTO Code significantly expands coverage beyond goods to include services, including construction, and to procurement of goods, services and construction by subcentral governments and government enterprises. Singapore and Hong Kong are members of the GATT Code but have yet to join the WTO Code, although Singapore has requested accession to the WTO Code and tabled a first offer. The Republic of Korea (ROK) is a member of the WTO Code but may delay implementation until January 1, 1997. The ROK was not a member of the GATT Code. Otherwise, and with the exception of the United States, the membership in the GATT and WTO Codes are identical.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to Section 305(d)(5) of the Trade Agreements Act, submissions are sought from any interested parties in the United States and in countries that are signatories to the Agreement, as well as in other foreign countries whose products or services are acquired in significant amounts by the U.S. Government.

Each submission should provide, in order, the following general information: (1) the party submitting the information; (2) the foreign country or countries that are the subject of the submission and the entities of each subject country's government whose practices are being cited, and (3) the U.S. products or services that are affected by the non-compliance or discrimination.

Each submission should also provide specific information on the particular problem: (1) noncompliance with the former GATT Agreement on Government Procurement or new WTO Government Procurement Agreement; (2) the type of discrimination encountered, including information regarding the date and nature of affected procurement(s); (3) policies or practices which are discriminatory, not transparent or anti-competitive (where possible, include copies of discriminatory laws, policies or regulations), and (4) the extent to which the problem has impeded the ability of U.S. suppliers to participate in procurements on terms comparable to those available to suppliers of the country in question when they are seeking to sell goods or services to the U.S. Government; (5) examples of failure to maintain and enforce effective prohibitions on bribery and other corrupt practices in connection with government procurement.

Finally, each submission should: (1) If applicable, identify provisions of the former GATT or WTO Codes which are not being observed by the country identified or describe how the country identified has maintained a significant and persistent pattern or practice of discrimination in government procurement of non-Code-covered goods or services; (2) identify the specific impact of the discriminatory policy or practice on U.S. businesses (including an estimate of the value of market opportunities lost and, if any, the cost of preparing bids which are rejected during the course of procurement evaluation for discriminatory reasons), and (3) describe the extent of which the products or services of the country identified are acquired in significant amounts by the U.S. Government.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 96–2885 Filed 2–8–96; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

The National Partnership Council

Editorial Note: This document supersedes the notice published on Monday, February 5, 1996.

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

TIME AND DATE: 8:30 a.m., February 14, 1996.

PLACE: U.S. Office of Personnel Management Auditorium, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC 20415–0001.

STATUS: This meeting will be open to the public. Seating will be available on a first-come, first-served basis. Individuals with special access needs wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

MATTERS TO BE CONSIDERED: This meeting will consist of an awards ceremony. The winners of the NPC Partnership Award will be announced; and the winners will receive their awards. The NPC Partnership Award is given in recognition of outstanding labor-management partnership activities. These will be the first NPC Partnership Awards given out.

CONTACT PERSON FOR MORE INFORMATION: Douglas K. Walker, National Partnership Council, Executive Secretariat, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 5315, Washington, DC 20415–0001. (202) 606–1000.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 96–2744 Filed 2–8–96; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* RUIA Claims Notification System.

(2) *Form(s) submitted:* ID–4k.

(3) *OMB Number:* 3220–0171.

(4) *Expiration date of current OMB clearance:* March 31, 1996.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Business or other for-profit.

(7) *Estimated annual number of respondents:* 500.

(8) *Total annual responses:* 386,000.

(9) *Total annual reporting hours:* 4,195.

(10) *Collection description:* Section 5(b) of the RUIA requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of such claim to the claimant's base year employer(s) and afford such employer(s) an opportunity to submit information relevant to the claim.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 96–2784 Filed 2–8–96; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–21729; No. 812–9790]

American Skandia Life Assurance Corporation, et al.

February 5, 1996.

AGENCY: Securities and Exchange Commission (''SEC or ''Commission'').

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (''1940 Act'').

APPLICANTS: American Skandia Life Assurance Corporation (''American Skandia''), American Skandia Assurance Corporation Variable Account B (''Separate Account'') and American Skandia Marketing, Inc. (''Marketing'').

RELEVANT 1940 ACT SECTIONS: Order requested under Section 6(c) of the 1940 Act granting exemptions from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the 1940 Act and Rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants see an order to permit the deduction of a mortality and expense risk charge and the recapture of certain credits applied to purchase payments from the assets of the Separate Account or any other separate account (''Other Accounts'') established by American Skandia to support certain flexible premium individual tax deferred variable annuity contracts (''Contracts'') as well as other variable annuity contracts that are substantially similar in all material respects to the Contracts (''Future Contracts''). In addition, Applicants propose that the order extend to any broker-dealer other than Marketing, that may in the future serve as principle underwriter for the Contracts or Future Contracts, the same exemptions granted to Marketing (''Future Broker-Dealers''). Any such broker-dealer will be a member of the National Association of Securities Dealers, Inc. (''NASD''), and will be controlling, controlled by, or under common control with American Skandia.

FILING DATE: The application was filed on September 25, 1995, and was amended on January 25, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the Application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 1, 1996, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requestor's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, M. Patricia Paez, Corporate Secretary, c/o Jeffrey M. Ulness, Esq., American Skandia Life Assurance Corporation, One Corporate Drive, Shelton, Connecticut 06484.

FOR FURTHER INFORMATION CONTACT: Pamela K. Ellis, Senior Counsel, or Patrice M. Pitts, Special Counsel, Office of Insurance Products (Division of Investment Management), at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. American Skandia, a stock life insurance company, is organized in Connecticut and licensed to do business in the District of Columbia and all of the

United States. American Skandia is a wholly owned subsidiary of American Skandia Investment Holding Corporation (''ASIHC''), which in turn is wholly owned by Skandia Insurance Company Ltd., a Swedish corporation.

2. The Separate Account is a separate account established by American Skandia to fund the Contracts. The Separate Account is registered with the Commission as a unit investment trust under the 1940 Act, and the Contracts are registered as securities under the Securities Act of 1933.

3. American Skandia will establish for each investment option offered under the Contract a Separate Account subaccount (''Subaccount''), which will invest solely in a specific corresponding portfolio of certain designated investment companies (''Funds''). The Funds will be registered under the 1940 Act as open-end management investment companies. Each Fund portfolio will have separate investment objectives and policies.

4. Marketing will serve as the distributor and principal underwriter of the Contracts. Marketing, a wholly owned subsidiary of ASIHC, is registered under the 1934 Act as a broker-dealer and is a member of the NASD.

5. In addition, broker-dealers other than Marketing also may serve as distributors and principal underwriters of certain of the Contracts as well as the Future Contracts.

6. There are two different Contracts which are being registered (''Contract A and Contract B'', respectively).[1] The Contracts are individual and group flexible premium variable tax deferred annuity contracts. The Contracts may be used in connection with retirement plans that qualify for favorable federal income tax treatment under Section 401, Section 403, or Section 408 of the Internal Revenue Code of 1986, as amended, or the Contracts may be purchased on a non-tax qualified basis.

7. Contract A may be purchased with an initial payment of $1,000 and Contract B may be purchased with an initial payment of $25,000; the minimum subsequent purchase payment for both Contract A and Contract B is $100. Alternatively, in both cases, the Contract owner may authorize and American Skandia may accept the use of a program of periodic purchase payments provided that such payments received in the first year total American Skandia's then current minimum payments under such a program. Net purchase payments may be allocated to one or more of the Subaccounts that have been established to support the Contracts or, in most jurisdictions, to a fixed account.

8. Under Contract A, American Skandia will add bonus credits (''Credits'') to the account value in conjunction with each purchase payment. The funds for such credits are drawn from American Skandia's general account. Generally, when total purchase payments are less than $10,000, the Credits equal 1.5% of purchase payments. When the total purchase payments are at least $10,000 but less than $1 million, the Credits equal 3$ of purchase payments. When total Purchase payments are at least $1 million but less than $5 million, the Credits equal 4% of purchase payments. Credits equal 5% of purchase payments if the total is at least $5 million. The Credits are vested when applied, except under the following circumstances: (1) An amount equal to any Credit will be returned to American Skandia if the Contract owner cancels the Contract during the free-look period; (2) an amount equal to ''Excess Credit will be returned to American Skandia should a purchaser not fulfill its letter of intent obligation within a 13 month period; [2] (3) an amount equal to any Credit will be returned to American Skandia by reducing the amount available pursuant to the medically available surrender by an amount equal to any Credit allocated within 12 months of the first occurrence of the applicable contingency upon which such medically related surrender is based (or applied after an application is received for such medically related surrender); and (4) an amount equal to any Credits applied within 12 months prior to the date of death causing the payment of a death benefit will be returned to American Skandia should the death benefit be greater than the minimum death benefit. No such program applies under Contract B.

9. The Contracts provide for a series of annuity payments beginning on the ''Annuity Date.'' The Contract owner may select from several payout options which provide periodic annuity payments on a fixed basis.

10. Prior to the Annuity Date, a medically related surrender may be available under Contract A. If the specified eligibility requirements are met, the amount available for surrender is the account value less an amount equal to any Credit allocated to the ''account value'' [3] within twelve months after the first occurrence of the contingency upon which the medically related surrender is permitted.[4] No similar program applies under Contract B.

11. During the accumulation period, the Contracts provide for payment of a death benefit upon the death of: the first Contract owner, should the annuity be held by one or more natural persons; or the annuitant, should the annuity be held by an entity and there is no contingent annuitant. The minimum death benefit under both Contracts is the sum of all purchase payments less the sum of any withdrawals. If a decent was not named a Contract owner or annuitant as of the Contract issue date, and did not become such as a result of a prior Contract owner's or annuitant's death, the minimum death benefit is suspended as to that person for a two-year period from the date he or she first became a Contract owner or annuitant. Following the suspension period, the death benefit is the same as if such person had been a Contract owner or annuitant on the Contract issue data.

12. After the first ten Contract years, the death benefit under Contract A is the account value less an amount equal to any Credit allocated within 12 months prior to the date of death. During the first ten Contract years, the death benefit is the greater of (1) or (2), where: (1) Is the account value of the Subaccounts and the ''interim value'' of any ''fixed allocations'' less any Credits applied with in the twelve months prior

[1] Applicants have received a similar exemptive order in relation to other annuities. *American Skandia Life Assurance Corp.*, Investment Company Act Rel. No. 20980 (Mar. 31, 1995) (notice) and Investment Company Act Rel. No. 21034 (Apr. 27, 1995) (order) (''April Order''). The April Order permitted Applicants to deduct a mortality and expense risk charge from the assets of certain flexible premium deferred variable annuity contracts and any contracts offered in the future that were substantially similar in all material respects to the contracts that were the subject of the April Order. Applicants state that while they believe that the Contracts which are the subject of this application may be substantially similar to the contracts that were the subject of the prior relief, Applicants are submitting this request to avoid any possibility that may be raised as to whether the Contracts that are subject of this application are substantially similar ''in all material respects'' to the contracts which were the subject of the prior exemption relief.

[2] ''Excess Credit'' is the amount of the Credit in excess of what would have been payable without the letter of intent.

[3] The ''account value'' is the value of each allocation to a Subaccount or a ''fixed allocation'' prior to the annuity date, plus any earnings, and/or losses, distributions, and charges thereon, before assessment of any applicable contingent deferred sales charge and/or maintenance fee.

[4] In the case of a medically related surrender, Credits applied in conjunction with purchase payments received after application for a medically related surrender will also be returned to American Skandia.

to the date of death; [5] and (2) is the minimum death benefit.

13. Under Contract B, the death benefit after the earlier of ten Contract years or age 90 of the decedent is the account value. Prior to that, the death benefit is the greater of (1) or (2), where: (1) Is the account value of the Subaccounts and the interim value of fixed allocations; and (2) is a minimum death benefit.

14. Certain charges and fees are assessed under the Contracts. There is no transfer fee charged for transfers or ''renewals'' [6] from a fixed allocation at the end of its guarantee period, or for the first 12 transactions from Subaccounts of the Separate Account in each Contract year. Subsequent transfers within a Contract year, however, will be assessed a fee of $10 per transfer.

15. Before the Annuity Date, American Skandia will deduct an administration charge at the rate of .15% per annum of the average daily total asset value of each Account.

16. Before the Annuity Date and upon surrender, American Skandia will deduct a maintenance fee equalling the lesser of 2% of the account value or $30 per Contract year. This fee is waived under certain circumstances that generally include situations when the maintenance expenses likely are to be reduced (*i.e.*, when a large number of annuities are purchased by an owner).

17. The total maintenance fee and administrative charges assessed against the Separate Account will not be greater than the total anticipated costs of services to be provided over the life of the Contracts, in accordance with the applicable standards of Rule 26a–1 under the 1940 Act.

18. Under Contract A, a contingent deferred sales charge (''CDSC'') may be imposed on certain withdrawals. The amount of the CDSC decreases annually from 8.5% to 0% over 9 Contract years. In addition, there is a free withdrawal amount during a Contract year that is the greater of (1) or (2), where (1) is the annuity's ''growth'' [7] and (2) is 10% of ''new'' purchase payments. When determining the CDSC, withdrawals other than the free withdrawals amount will be allocated first to any amount available as a free withdrawal, then from new purchase payments on a first-in first-out basis. There is no CDSC upon withdrawal under Contract B.

19. American Skandia proposes to deduct a daily mortality and expense risk charge. This charge will be equal to an effective annual rate of 1.25% of the daily net asset value of the Separate Account. Of this amount, approximately .90% is for mortality risks and .35% is for expense risks.

20. American Skandia assumes the mortality risk that the life expectancy of the annuitant will be greater than that assumed in the guaranteed annuity purchase rates, thus requiring American Skandia to pay out more in annuity income than it had planned. Additional mortality risks assumed by American Skandia are that it will waive the CDSC in the event of the death of the owner, and its contractual obligation to provide a standard and an enhanced death benefit prior to the annuity date. Thus, American Skandia assumes the risk that it may not be able to cover its distribution expenses and that the owner may die at a time when the amount of the death benefit payable exceeds the then net surrender value of the Contracts. The expense risk assumed by American Skandia is that the contract administration charge and maintenance fee will be insufficient to cover the cost of administering the Contracts.

21. In the event the mortality and expense risk charges are more than sufficient to cover American Skandia's costs and expenses, any excess will be a profit to American Skandia.

22. Should the owner live in a jurisdiction that levies a premium tax, American Skandia will pay the taxes when due. American Skandia represents that state premium taxes may range up to 3.5% of purchase payments and are subject to change. Although no local taxes currently are assessed against any American Skandia annuity, local taxes also may be assessed.

Applicants' Legal Analysis

1. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule, or regulation of the 1940 to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositors or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

3. Applicants request exemptions from Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction from the net assets of the Separate Account and the Other Accounts in connection with the Contract and Future Contracts of the 1.25% charge for the assumption of mortality and expense risks, and an extension of the exemptive relief requested herein to Future Broker-Dealer.

4. Applicants represent that the 1.25% per annum mortality and expense risk charge is within the range of industry practice for comparable annuity contracts. This representation is based upon an analysis of publicly available information about similar industry products, taking into consideration such factors as, among others, the current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. American Skandia will maintain at its principal offices, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, Applicants' comparative review. In addition, Applicants will keep, and make available to the Commission, a memorandum setting forth the basis for the same representations, and that the mortality and expense risk charges are reasonable, with respect to the Future Contracts offered by the Separate Account or Other Accounts.

5. American Skandia has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Separate Accounts and Other Accounts and their respective investors. American Skandia represents that it will maintain and make available to the Commission upon request a memorandum setting forth the basis of such conclusion. In addition, Applicants will keep, and make

[5] ''Fixed allocation'' is defined as an allocation of account value that is to be credited a fixed rate of interest for a specified guarantee period during the accumulation phase, and is to be supported by the assets of the Separate Account.

As of any particular date, the ''interim value'' is the initial value of a fixed allocation, plus all interest credited thereon, less the sum of all previous transfers and withdrawals of any type from such fixed allocation of such interim value and interest thereon from the date of each withdrawal or transfer.

[6] A ''renewal'' is a transaction that occurs automatically as of the last day of a fixed allocation's guarantee period unless American Skandia receives alternative instructions.

[7] ''Growth'' is defined as the then current account value, less all ''unliquidated'' purchase payments (*i.e.*, purchase payments not previously surrendered or withdrawn), and less the value at the time credited of any Credits or additional amounts.

available to the Commission, a memorandum setting forth the basis for the same representations with respect to the Future Contracts offered by the Separate Account or Other Accounts.

6. The Separate Account and Other Accounts will be invested only in management investment companies that undertake, in the event the company should adopt a plan for financing distribution expenses pursuant to Rule 12b–1 under the 1940 Act, to have such plan formulated and approved by the company's board members, the majority of whom are not ''interested persons'' of the management investment company within the meaning of Section 2(a)(19) of the 1940 Act.

7. Applicants request exemptions from Section 2(a)(32), 22(c), 26(a)(2)(c), 27(c)(1), 27(c)(2), and 27(d) of the 1940 Act and Rule 22c–1 thereunder to the extent necessary to permit American Skandia to issue certain Contracts which provide a ''bonus'' Credit to a Contract with each purchase payment received and to recapture such Credit if: (1) The Contract is cancelled during the ''free-look'' period; (2) the purchaser fails to satisfy his or her obligations to make certain purchase payments within a 13 month period pursuant to a letter of intent; (3) there is a medically related surrender; and (4) the death benefit payable is greater than the minimum death benefit.

8. Applicants represent that it is not administratively feasible to track the Credit amount in the Separate Account. Accordingly, any asset based charges under the Contracts will be assessed against the entire amount in the Separate Account, including the Credit amount, even during the period when the Contract owner's interest in the Credit is not completely vested. As a result, for a period of up to 13 months from the Contract issue date, the aggregate asset based charges assessed will be higher than those which would be charged if the Contract owner's account value did not include the Credit.

9. Applicants submit that the recapture of the Credit amount would not deprive an owner of his or her proportionate share of the issuer's current net assets. Until the right to recapture has expired, American Skandia retains the right to, and interest in, the Credit amount, although not in the earnings attributable to that amount. Applicants state that the Contract owner's interest in the Credit amount should not be viewed as completely vested until the applicable recapture period has ended. Thus, Applicants assert that when American Skandia recaptures the applicable Credit, it merely retrieves its own assets, and because the Contract owner's interest in that amount has not been completely vested, he or she has not been deprived of a proportionate share of the Separate Account's assets. Applicants submit that the Contract's provisions for recapture of any applicable Credit does not violate Section 27(c)(1) and 2(a)(32) of the 1940 Act.

10. Applicants assert that because the recapture of any Credit amount merely returns to American Skandia its own assets, such recapture is not a payment of the sort addressed by Section 26(a)(2)(C). Moreover, Applicants submit that the Credit amount should at most be viewed as a deduction from the amount redeemed rather than from the account, and thus Section 26(a)(2)(C) would not apply.

11. Although Section 27(d) speaks in terms of the certificate holder receiving the value of his or her account, Applicants assert that the recapture of any credits is consistent with that section. Applicants state that the Contract owner's interest in any Credit does not vest completely until the right of recapture has expired. Until such time, American Skandia retains the rights to and interest in any such Credit. Thus, Applicants assert the reference to Section 27(d) to the value of the account should not be understood to encompass the principal amount of any Credit.

12. Applicants state that American Skandia's addition of the Credit arguably could be viewed as resulting in the owner purchasing redeemable securities for a price below the current net asset value. Applicants contend, however, that the Credit is not violative of Section 22(c) and Rule 22c–1. Applicants assert that the Credit does not threaten the evils that Rule 22c–1 was intended to eliminate or reduce—namely, the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, or other unfair results, including speculative trading practices. These evils were the result of the practice of basing the price of a mutual fund share on the net asset value per share determined as of the close of the market on the previous day—i.e., ''backward pricing.'' Where this practice allowed purchasers to take advantage of increases in the net asset value that were not yet reflected in increased price, the value of outstanding mutual fund shares were diluted. The proposed Credit poses no such threat of dilution. Interests in the Contract owner's account will be sold at a price determined on the basis of net asset value. The Credit does not reflect a reduction of that price. Instead, American Skandia will purchase with its own money on behalf of the Contract owner an interest equal to the Credit amount based on the size of the initial purchase payment. Because any Credit will be paid from American Skandia's general account assets and will not be drawn from the assets of the Separate Account, no dilution will occur.

13. Applicants also submit that a second harm that Rule 22c–1 was designed to address—namely, speculative trading practices—will not occur as a result of the proposed Credit. Because neither of the harms that Rule 22c–1 was meant to address would result from American Skandia's proposed method of adding Credits to a Contract owner's account value, Rule 22c–1 and Section 22(c) should have no application to American Skandia's proposal to add Credits.

14. Applicants assert that the terms of the relief requested with respect to any Future Contracts funded by the Separate Account or Other Accounts, as well as for Future Broker-Dealers, are consistent with the standards enumerated in Section 6(c) of the 1940 Act. Without the requested relief, Applicants would have to request and obtain exemptive relief for each Other Account it establishes to fund any Future Contract, as well as for each Future Broker-Dealer that distributes the Contracts or the Future Contracts. Applicants submit that any such additional request for exemption would present no issues under the 1940 Act that have not already been addressed in this application, and that investors would not receive any benefit or additional protections thereby.

15. Applicants submit that the requested relief is appropriate in the public interest, because it would promote competitiveness in the variable annuity contract market by eliminating the need for Applicants to file redundant exemptive applications, thereby reducing their administrative expenses and maximizing the efficient use of their resources. The delay and expense involved in having to seek exemptive relief repeatedly would reduce Applicants' ability effectively to take advantage of business opportunities as they arise.

16. Applicants further submit that the requested relief is consistent with the purposes of the 1940 Act and the protection of investors for the same reasons. Applicants thus believe that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the 1940 Act.

Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–2873 Filed 2–8–96; 8:45 am]

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[Release No. 34–36810; File No. SR–CSE–96–01]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Cincinnati Stock Exchange Relating to Clearance Identification Procedures for Members

February 5, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 16, 1996, The Cincinnati Stock Exchange (''CSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the CSE's by-laws to clarify that members must ''give up'' a valid CSE clearing number. The text of the proposed rule change is available at the Office of the Secretary, the CSE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has filed proposed Interpretation .03 to Article II, Section 5.1, of its by-laws for the purpose of clarifying that a member may only ''give up'' its own or another CSE member's clearing number when executing a transaction on the Exchange.[2] This requirement ensures that the Exchange will have the ability to exercise jurisdication over all of the parties involved in executing and settling trades that occur on the CSE.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[3] of the Act in general and furthers the objectives of Section 6(b)(5)[4] in particular in that it is designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members Participants, or Others

The Exchange has neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the CSE. All submissions should refer to File No. SR–CSE–96–01 and should be submitted by March 1, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–2870 Filed 2–8–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36806; File No. SR–DTC–95–26]

Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Securities Payment Order Instructions to Modify Substitute Income Payments on Stock Loans

February 2, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 5, 1995, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–95–26) as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is

[1] 15 U.S.C. 78s(b)(1).

[2] The CSE member whose clearing number is ''given up'' is responsible for clearing that trade.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] 17 C.F.R. 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1) (1988).

publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change facilitates participant recordkeeping by enabling a participant to specify that a Securities Payment Order (''SPO'')[2] is for the specific purpose of increasing or decreasing the amount of a substitute payment[3] made in connection with distributions on borrowed securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments that it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[4]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to enable participants to account for SPOs given to increase or decrease the amount of a substitute payment in connection with a securities loan. The amount of a substitute payment may be affected by laws requiring the withholding of taxes or by a contract between the parties. The proposed rule change will allow participants to use existing procedures to specify the purpose of the withholding.[5]

The following is an example of how the proposed rule change would be used by participants. A typical stock loan occurs to cover a short sale or a fail. Suppose the borrower, B, sells 100 shares sort to a third party, X. B arranges to borrow stock from a lender, L, to settle with X. L delivers the 100 shares to B through DTC with a deliver order (''DO'') coded as a stock loan. B then delivers the 100 shares to X with an ordinary DO used to settle the transaction. While the loan is outstanding, the record date for an upcoming distribution occurs. X does not know that B was a short seller or that the stock now in X's position at DTC was borrowed from L. DTC's books on the record date show L with 0, B with 0, and X with 100 shares. DTC will pay the distribution only to X.

The typical stock loan contract provides that the borrower will compensate the lender in lieu of any distribution made on the borrowed securities during the period of the loan that the lender would have received absent the loan. The compensating payment is referred to in the United States as a substitute payment. Because X and not L receives the distribution on payment date, B owes L a substitute payment. Consequently, there are two payments. The payment to X is a dividend, and the payment from B to L is a substitute payment.

Under DTC's existing Stock Loan Income Tracking (''SLT'') system,[6] does not need to take any action to cause the payment of the substitute payment to L. The SLT system notes the stock loan DO and creates a memo account to be utilized on future distributions. Under the SLT procedures, B's account will be debited and L's account credited the cash amount of the substitute payment. For U.S. securities, the loan contract between a U.S. lender and a U.S. borrower provides that the substitute payment will be computed as 100% of the dividend amount.

However, some payments by B to L require tax withholding. For example, if B and L are both U.S. tax residents and the stock loan is a U.S. security, B is required to obtain L's Tax Identification Number (''TIN'') before paying the substitute payment. The Internal Revenue Code requires B to report the amount of the substitute payment and L's TIN to the Internal Revenue Service (''IRS'') with a copy of L. If the IRS determines that L's TIN is invalid, B may be required to withhold 31% of each future substitute payment to L and remit it to the IRS. This requirement is known as ''backup withholding.''

It should be noted that the possibility of L supplying B with an invalid TIN causing B to have to make back up withholdings is extremely remote. Nevertheless, if this happens when, for example, a dividend paralleling a substitute payment is $1.00, B needs a way to cause DTC to make a substitute payment of 69¢ instead of $1.00. Under DTC's existing rules, B would use DTC's SPO procedure to instruct DTC to debit L and credit B for 31¢. L, having been credited $1.00 by DTC and debited 31¢, would receive a net payment of 69¢. B would receive a net debit of 69¢ and also would be required to remit 31¢ to the IRS for a net payment of $1.00. This is exactly the amount of the substitute payment required under B's and L's stock loan contract.

B could issue an SPO for 31¢ under DTC's existing rules and its settlement statement would show the 31¢, but the settlement statement would not state that the 31¢ constituted a decrease in a substitute payment. Therefore, DTC is enhancing the SPO and stock loan process to give a borrowing participant a method of indicating for its records that a certain SPO was for the specific purpose of increasing or decreasing the amount of a substitute payment made in connection with the distribution on borrowed securities.

The proposed rule change is consistent with the requirements of the Act and specifically with Sections 17A(b)(3)(A) and (F)[7] because the proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions by enabling substitute payments to be correctly identified.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

During the design phase of SLT, DTC received suggestions and comments indicating that the preferred method of increasing or decreasing substitute payments in the SLT would be through DTC's existing SPO function. DTC participants suggested that with modifications the SPO could allow lenders or borrowers to specify that a particular SPO increased or decreased

[2] SPOs allow DTC participants to make money payments through DTC when these payments are in connection with, but are not the direct result of, securities transactions in DTC (*e.g.*, stock loans). For a complete description of SPOs refer to Securities Exchange Act Release No. 15193 (October 10, 1978), 43 FR 46615 [File No. SR–DTC–78–10] (order approving a proposed rule change relating to the implementation of securities payment orders).

[3] A substitute payment is a payment made by a borrower of securities to the lender in lieu of dividends, interest, or other distributions on the securities.

[4] The Commission has modified the text of the summaries prepared by DTC.

[5] If this rule change were not implemented, participants could accomplish the same purpose using existing procedures, but their records would not be specific with regard to the reason for the SPO.

[6] For a complete description of SLT, refer to Securities Exchange Act Release No. 34665 (September 13, 1994), 59 FR 48345 [File No. SR–DTC–94–07] (order approving proposed rule change establishing the Stock Loan Income Tracking System).

[7] 15 U.S.C. 78q–1(b)(3)(A) and (F) (1988).

the borrower's substitute payment to the lender. With modifications, participants also could enter the SLT-related SPO in advance of the payment date so that DTC could execute the SLT-related SPO payment on the payment date for the distribution on the borrowed shares. This proposed rule change is to implement these modifications and also is to assist participants in recordkeeping for cross-border stock loans of U.S. securities.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)[8] of the Act and pursuant to Rule 19b–4(e)(4)[9] promulgated thereunder because the proposal constitutes a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of DTC. All submissions should refer to the file number SR–DTC–95–26 and should be submitted by March 1, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–2872 Filed 2–8–96; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78s(b)(3)(A)(iii) (1988).

[9] 17 CFR 240.19b–4(e)(4) (1994).

[10] 17CFR 200.30–3(a)(12) (1995).

[Release No. 34–36809; File No. SR–PSE–95–31]

Self-Regulatory Organizations; Pacific Stock Exchange, Incorporated; Order Granting Approval to Proposed Rule Change Relating to Arbitration Procedures Involving Prehearing Document Exchanges

February 5, 1996.

On December 7, 1995, the Pacific Stock Exchange Incorporated (''PSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''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 relating to arbitration procedures that would increase the prehearing document exchange deadline from ten days to twenty days. On December 18, 1995, the Exchange submitted Amendment No. 1 to the proposed rule change to the Commission.[3]

The proposed rule change, together with Amendment No. 1, was published for comment in the Federal Register on December 27, 1995.[4] No comments were received on the proposal.

PSE Rule 12.14(c) currently requires that, at least ten calendar days prior to the first scheduled hearing date, all parties serve on each other copies of documents in their possession that they intend to present at the hearing and identify the witnesses they intend to present at the hearing. The Exchange has proposed to increase this time period from ten to twenty calendar days. The Exchange maintains that this change will help alleviate the burden that currently falls on the Exchange's Arbitration Department and parties to an arbitration proceeding in responding to last minute discovery requests arising from the exchange of documents intended to be used by the parties at the arbitration hearing.

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).[5] Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5)[6] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest. Moreover, the proposed amendment should assist parties in the process of preparing and organizing their cases and should provide the parties with a more reasonable time frame within which to address last minute discovery requests.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–PSE–95–31) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. MacFarland,

Deputy Secretary.

[FR Doc. 96–2871 Filed 2–8–96; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The amendment corrected the proposal's reference to Section 15A(b)(6) as its statutory basis and deleted superfluous language describing an affirmative obligation to supplement and correct discovery. See Letter dated December 13, 1995, from Rosemary A. MacGuinness, Senior Counsel, PSE, to Glen Barrentine, Senior Counsel/Team Leader, SEC.

[4] Securities Exchange Act Release No. 36603 (Dec. 19, 1995), 60 FR 67007.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30-3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Representative Payment Advisory Committee; Public Meeting Reminder

AGENCY: Social Security Administration.

ACTION: Notice of reminder of public meeting.

SUMMARY: On December 22, 1995, the Social Security Administration published a notice in the Federal Register (60 FR 66573) in accordance with section 10(a)(2) of the Federal Advisory Committee Act announcing the forthcoming meeting of the Representative Payment Advisory Committee. This notice serves as a reminder that, in accordance with that announcement, the Representative Payment Advisory Committee meeting scheduled for February 15–16, 1996 will be held as planned. The Committee will hear testimony at the Environmental

Protection Agency Classrooms, 75 Hawthorne Street, First Floor, San Francisco, CA 94105 from 9:00 a.m. to 5:00 p.m. on both days. Persons interested in presenting oral statements may call the Advisory Committee staff at (410)-966–4688 to schedule a presentation time. The Committee will deliberate at the same location from 7:00 p.m. to 9:00 p.m. on February 15, 1996. The public is invited to attend both days, including the evening deliberation; however, no testimony will be heard that evening.

Dated: February 5, 1996.

Reba Andrew,

Staff Director, Representative Payment Advisory Committee.

[FR Doc. 96–2904 Filed 2–8–96; 8:45 am]

BILLING CODE 4190–29–P

Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority which covers the Social Security Administration (SSA). Notice is given that Chapter S1 for the Office of the Deputy Commissioner, Finance, Assessment and Management is being amended to reflect internal realignments within the Office of Publications and Logistics Management (OPLM) (S1S). Four of the current subordinate offices within OPLM will be abolished and their functions integrated into the remaining offices. The Office of Supply Management (S1SG) and the Office of Property Management (S1SE) will be integrated into the Office of Logistics Planning and Process Control (S1SH) and the name of that office will be changed to the Office of Supply and Property Management (S1SH). The Office of Printing Operations (S1SL) and the Office of Mail Management (S1SM) will be integrated into the Office of Publications Management (S1SJ).

The Office of Supply Management (S1SG), the Office of Property Management (S1SE), the Office of Printing Operations (S1SL), and the Office of Mail Management (S1SM) will be abolished in their entirety. The changes are as follows:

Section S1S.10 The Office of Publications and Logistics Management—(Organization):

Delete:

E. The Office of Property Management (S1SE).

F. The Office of Supply Management (S1SG).

J. The Office of Printing Operations (S1SL).

K. The Office of Mail Management (S1SM).

Reletter:

''G'' to ''E,'' ''H'' to ''F'' and ''I'' to ''G.''

Retitle:

E. The Office of Logistics Planning and Process Control (S1SH) to the Office of Supply and Property Management (S1SH).

Section S1S.20 The Office of Publications and Logistics Management—(Functions):

Delete:

E. The Office of Property Management (S1SE).

F. The Office of Supply Management (S1SG).

J. The Office of Printing Operations (S1SL).

K. The Office of Mail Management (S1SM).

Reletter:

''G'' to ''E,'' ''H'' to ''F'' and ''I'' to ''G.''

Retitle and amend functions to read:

E. The Office of Logistics Planning and Process Control (S1SH) to the Office of Supply and Property Management (OSPM) (S1SH).

1. OSPM is responsible for the overall management and control of automatic data processing resources which support SSA's centralized SSA Supply and Property Accountability Systems. OSPM coordinates with SSA components, as well as other Agency financial/administrative components on major systems management projects and studies and is the primary systems planning, development, and execution component for OPLM. Its major mission is to ensure effective policies and processes, strengthen internal controls and assure continuing systems uniformity and reliability.

2. OSPM is responsible for the collection, validation, process, and control of SSA-wide requisitions for expendable supplies. The office supports special service programs for processing field and Headquarters emergency supply requests, planned training class orders, as well as normal orders received via the SSA Telecommunications Network, for request, or via memorandum. A Customer Service Desk responds to telephone status inquiries and requests for stock catalog information.

3. OSPM oversees all policy and procedures pertaining to the acquisition, utilization, accountability, transfer and disposal of SSA personal property. Represents SSA's interest as liaison to GSA and other Federal, State and local Government and private sector organizations and vendors in the acquisition, transfer and disposal of personal property. Oversees the acquisition and installation of modular/systems furniture in SSA offices nationwide. Acts as technical expert and plans, coordinates and implements studies and surveys related to providing necessary ergonomic furniture and equipment to support SSA employees.

4. Oversees the acquisition and installation of modular furniture in SSA offices. Plans, coordinates and implements studies and surveys to access the variety of ergonomic furniture previously purchased and new furniture available to SSA offices. Maintains audit trails for both normal and special expense incurred during and after furniture installation. Is responsible for all financial management and contracting activities performed within the scope of the Interagency Agreement with the Federal Prison Industries. Provides expert technical advice and consultative services to the SSA executive staff and to major headquarters and regional components. Serves as liaison with the Office of Management and Budget, General Services Administration and other Government and private organizations on policy and issues relating to ergonomic furniture and equipment.

5. OSPM develops, administers and oversees all policy and procedures pertaining to the acquisition, utilization, accountability, transfer and disposal of SSA personal property (furniture/equipment). It manages and maintains the SSA Property Accountability System and the Property Management Officer/Custodial Officer network for the effective control of all SSA's sensitive, accountable and capitalized personal property assets. It is SSA's liaison for all personal property activities with other Federal, State and local Agencies, as well as commercial and civic organizations.

OSPM is responsible for the development of policies, procedures and directives in support of the office's supply management program. Using the automated Social Security Supply System, along with budget and other data, office staff will ensure that the Agency's printing requests and justified requisitions are processed timely for all necessary forms, publications, office supplies and instructional materials. Office personnel also oversee the replenishment of warehouse stock for Headquarters' use, emergencies, etc. The office manages the Direct Delivery Program of scheduled shipments to field components of major use forms, publications and supplies. Also

oversees the development of the common expense supply budget.

7. OSPM monitors warehouse availability of on-hand training materials to accommodate periodic changes to training schedules and course material configurations.

Amend functions to read:

F. The Office of Publications Management (OPM) (S1SJ):

1. OPM directs a comprehensive SSA-wide forms control, publication and distribution management program, including forms and publications design, photocomposition and electronic information dissemination (electronic publishing, on-line publishing/services, electronic reference materials and CD–ROM and multimedia production and delivery). It also provides SSA-wide special media services for visually impaired employees. It is responsible for administering the regulatory and procedural requirements governing SSA's collection of information from the public, stemming from the Paperwork Reduction Act and providing liaison services with the Office of Management and Budget. It also coordinates the Agency Administrative Instructions Manual System for printing, clearance and issuance of policy, standards and procedural instructions.

2. The Office coordinates and directs a comprehensive printing management program and administers the procurement of all SSA printing needs. It prepares the Agency's Comprehensive Printing Program Plan report for the Joint Committee on Printing (JCP) and provides liaison with the JCP and the Government Printing Office on policy and procedural issues. OPM plans, directs and administers the SSA mail policy program, including developing methodologies (e.g., presorting, barcoding, direct accountability, etc.) It provides liaison with the United States Postal Service in all national level mail management and operational policy negotiations and activities. It also administers agencywide mail management contracts.

3. The Office plans, directs and coordinates the SSA mail handling program, including the receipt, processing, and dispatch of all incoming and outgoing United States Postal Service mail for SSA headquarters. It provides inter-office mail service for SSA headquarters and priority delivery service in Washington, D.C. It administers oversight of necessary contracts such as the internal mail messenger service. It consolidates and processes outgoing mail from headquarters to District Offices, Branch Offices, Program Service Centers and Regional Offices, etc. It also processes computer-generated priority notices to SSA beneficiaries nationwide, using high-speed equipment to fold, insert and label mailings.

4. The office provides SSA in-house printing services for short turnaround work which cannot be procured commercially. It provides coordination, technical advice and guidance to Agency components on SSA's in-house printing operation. Services include camera and film stripping functions; printing of materials, including multi-color specialty work; providing bindery and finishing of materials such as collating cutting, folding, drilling, stitching and binding; shipping and distribution of all SSA in-house printing and commercially-produced printing, as needed, including boxing, shrinkfilming, envelope insertion and labeling packages. It delivers or arranges for delivery of all completed material. OPM is responsible for the reproduction of printed material, using reprographic equipment, which includes large scale specialty items such as space floor plans and blueprints. It is also responsible for the development of metal photo requests for Commissioner's citations, award plaques, signs, etc.

Dated: August 21, 1995.

Ruth A. Pierce,

Deputy Commissioner for Human Resources.

[FR Doc. 96–2905 Filed 2–8–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

Office of Central American Affairs

[Public Notice 2326]

Filing Property Claims in Nicaragua

AGENCY: Office of Central American Affairs, Department of State.

ACTION: Notice.

The Government of Nicaragua has approved a *Law of Property Stabilization,* effective December 2, 1995. Article 11 of this law provides that

''The National Confiscation Review Committee shall, within 90 business days of the entry into force of this law, accept claims from persons whose real estate properties or other assets connected to the property have been affected by expropriations, confiscations, or occupations and who were unable to file such claims at the proper time, without prejudice to the rights established in the Civil Code. In this case once the administration jurisdiction has been selected, no judicial action may be taken. This provision does not apply to persons affected by Decree No. 3 of July 20, 1979 * * *

This Law pertains to an ongoing program of the Government of Nicaragua to review claims arising from confiscation or other taking by the previous Government of property located in Nicaragua. All persons who wish to preserve their right to make a claim against the Government of Nicaragua who have not already registered their claims, should therefore consider filing their claims with the National Confiscation Review Commission within the deadline imposed by Nicaraguan law. For more information about your rights under Nicaraguan law, you are advised to consult a local Nicaraguan attorney. The United States Government does not have any official role or responsibility in this program.

Claims may be filed through the Embassy of Nicaragua, 1627 New Hampshire Ave., N.W. Washington, D.C. 20009 (Telephone 202–939–6570); the Nicaraguan Consulate in Miami, 8370 W. Flagler St. #220,, Miami, FL 33144 (Telephone 305–220–6900/03), or the Office on Property in Miami, 8370 W. Flagler St. #232, Miami, FL 33144, (Telephone 305–222–1350 or 305–222–4786.) Claims may also be filed directly with the Ministry of Finance, Vice Ministry on Property, Managua, Nicaragua (Telephone 011–505–2–285582 or 227082).

Dated: January 30, 1996.

Gary H. Maybarduk,

Acting Director, Office of Central American Affairs.

[FR Doc. 96–2779 Filed 2–8–96; 8:45 am]

BILLING CODE 4710–29–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements filed during the Week Ending February 2, 1996

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–96–1036.

Date filed: January 29, 1996.

Parties: Members of the International Air Transport Association.

Subject: TC3 Telex Mail Vote 780
Japan-Korea fares
r–1—053d, r–4—63d, r–7—090kk
r–2—043d, r–5—076LL, r–8—092hh
r–3—063d, r–6—081tt, r–9—092t
Intended effective date: February 9, 1996

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–2854 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 2, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–96–1044.

Date filed: January 31, 1996.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 28, 1996.

Description: Application of Skyteam Airlines, Inc., pursuant to 49 U.S.C. 41102 and Subpart Q of the Regulations, requests authority to engage in interstate and overseas scheduled air transportation of persons, property and mail: Between any point in any state in the United States or the District of Columbia, or any territory or possession of the United States, and any other point in any state of the United States or the District of Columbia, or any territory or possession of the United States.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–2855 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Notice of Availability; Draft Clean Air Act, General Conformity Determination, Seattle-Tacoma International Airport, Seattle, Washington

ACTION: Federal Aviation Administration's (FAA) proposed actions includes: (1) approval of the Airport Layout Plan (ALP) for the proposed improvements at Sea-Tac International Airport; (2) provide possible federal funding for eligible projects contemplated within the planning horizon as illustrated on the ALP; (3) development or revision of air traffic control procedures for the proposed improvements; and (4) establishment of navigational aids. The Port of Seattle, as operator of the airport, will design and build the proposed improvements. Because these actions are necessary for federal-funded public use airports, the FAA is required to meet the Clean Air Act general conformity requirements under 40 Code of Federal Regulations, Part 93, Subpart B for the federal action for this undertaking.

ABSTRACT: The Port of Seattle, operator of Seattle-Tacoma International Airport, has prepared a Master Plan Update for the Airport. The Plan shows the need to address the poor weather operating capability of the Airport through the development of a third parallel runway (Runway 16X/34X) with a length of up to 8,500 feet, separated by 2,500 feet from existing Runway 16L/34R, with associated taxiways, utilities, and navigational aids. Other proposed development includes: extension of Runway 34R by 600 feet; establishment of standard Runway Safety Areas for Runways 16R/34L; development of a new air traffic control tower; Main Terminal improvements and terminal expansion; development of a new unit terminal located to the north of the existing main terminal; parking and access improvements and expansion; development of the South Aviation Support Area for cargo and/or maintenance facilities, and relocation, redevelopment, and expansion of support facilities. A Final Environmental Impact Statement (FEIS) has been prepared which assesses the impact of alternative airport improvements. The proposed improvements would be completed during the 1996–2020 period, with initial 5-year development focused on the new parallel runway, and existing passenger terminal, parking and access improvements.

Based on the conformity applicability criteria and the attainment status of the affected area, the conformity determination focuses on potential air emissions of carbon monoxide (CO) and ozone. Based on the air quality analysis provided in the FEIS, the FAA has determined that the proposed improvements at Sea-Tac International Airport conform to the Washington State Implementation Plan (SIP) and Ambient Air Quality Standards. The analysis of the proposed improvements at Sea-Tac has demonstrated that, with mitigation, the proposed improvements will not cause or contribute to new violations of any ambient air quality standards, nor increase the frequency or severity of an existing violation; nor delay timely attainment of the ozone or CO standards in the Puget Sound Region, and that the action is in compliance or consistent with all relevant requirements and milestones contained in the SIP. This conclusion of a positive general conformity determination fulfills the FAA's obligation and responsibility under 40 CFR Part 93, Subpart B. This General Conformity Determination has been prepared as specified in Section 176(c) [42 U.S.C. 7506c] of the Clean Air Act Amendments of 1990.

PUBLIC REVIEW: The public is invited to review and comment on the Draft Conformity Determination. Copies of the FEIS are available for review at the following locations:

Federal Aviation Administration, Airports Regional Office, Room 540, 1601 Lind Avenue, SW, Renton, WA
Port of Seattle, Aviation Planning, 3rd floor, Room 301, Terminal Building, SeaTac Airport, and Pier 69 Bid Office, 2711 Alaskan Way, Seattle
Puget Sound Regional Council, Information Center, 1011 Western Avenue, Seattle
Beacon Hill Library, 2519 1st Avenue, South, Seattle
Boulevard Park Library, 12015 Roseberg South, Seattle
Seattle Public Library, 1000 4th Avenue, Seattle
Magnolia Library, 2801 34th Ave W, Seattle
Rainier Beach Library, 9125 Rainier Avenue S., Seattle
Bothell Regional Library, 9654 NE 182nd, Bothell
Burien Library, 14700 6th SW, Burien
Des Moines Library, 21620 11th South, Des Moines
Federal Way Regional Library, 34200 1st South, Federal Way
Foster Library, 4205 South 142nd, Tukwila
Kent Regional Library, 212 2nd Ave N, Kent
Vashon Ober Park, 17210 Vashon Highway, Vashon
Tacoma Public Library, 1102 Tacoma Ave S., Tacoma
University of Washington, Suzallo Library, Government Publications, Seattle
Valley View Library, 17850 Military Road South, SeaTac
West Seattle Library, 2306 42nd Ave SW, Seattle
Bellevue Regional Library, 1111 110th Ave NE, Bellevue

Comments and requests for information may be directed to: Mr. Dennis Ossenkop, Northwest Mountain Region, Airports Division, Federal Aviation Administration, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056. Comments must be received by March 18, 1996.

Issued in Renton, Washington on February 1, 1996.

Lowell H. Johnson,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Renton, Washington.

[FR Doc. 96–2850 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Availability; Final Environmental Impact Statement, Master Plan Update, Seattle-Tacoma International Airport, Seattle, WA

LEAD AGENCIES: Federal Aviation Administration (FAA) and the Port of Seattle.

The Port of Seattle, operator of Seattle-Tacoma International Airport, has prepared a Master Plan Update for the Airport. The Plan shows the need to address the poor weather operating capability of the Airport through the development of a third parallel runway (Runway 16X/34X) with a length of up to 8,500 feet, separated by 2,500 feet from existing Runway 16L/34R, with associated taxiways, utilities, and navigational aids. Other proposed development includes: Extension of Runway 34R by 600 feet; establishment of standard Runway Safety Areas for Runways 16R/34L; development of a new air traffic control tower; Main Terminal improvements and terminal expansion; development of a new unit terminal located to the north of the existing main terminal; parking and access improvements and expansion; development of the South Aviation Support Area for cargo and/or maintenance facilities, and relocation, redevelopment, and expansion of support facilities.

A Final Environmental Impact Statement (FEIS) has been prepared by the FAA and the Port of Seattle which assesses the impact of alternative airport improvements. The proposed improvements would be completed during the 1996–2020 period, with initial 5-year development focused on the new parallel runway, and existing passenger terminal, parking and access improvements.

Copies of the seven volume FEIS are available for review at the following locations:

Federal Aviation Administration, Airports Regional Office, Room 540, 1601 Lind Avenue, SW, Renton, WA

Port of Seattle, Aviation Planning, 3rd floor—Room 301, Terminal Building, Sea-Tac Airport, and Pier 69 Bid Office, 2711 Alaskan Way, Seattle

Puget Sound Regional Council, Information Center, 1011 Western Avenue, Seattle

Beacon Hill Library, 2519—1st Avenue, South, Seattle

Boulevard Park Library, 12015 Roseberg South, Seattle

Seattle Public Library, 1000—4th Avenue, Seattle

Magnolia Library, 2801—34th Ave W, Seattle

Rainer Beach Library, 9125 Rainier Avenue S., Seattle

Bothell Regional Library, 9654 NE 182nd, Bothell

Burien Library, 14700–6th SW, Burien

Des Moines Library, 21620—11th South, Des Moines

Federal Way Regional Library, 34200–1st South, Federal Way

Foster Library, 4205 South 142nd, Tukwila

Kent Regional Library, 212—2nd Ave N, Kent

Vashon Ober Park, 17210 Vashon Highway, Vashon

Tacoma Public Library, 1102 Tacoma Ave S., Tacoma

University of Washington, Suzallo Library, Government Publications, Seattle

Valley View Library, 17850 Military Road South, SeaTac

West Seattle Library, 2306—42nd Ave SW, Seattle

Bellevue Regional Library, 1111—110th Ave NE, Bellevue

The FEIS is available for public reproduction at Kinko's located at Kent-Des Moines Way and International Blvd./SR 99.

If you desire additional information related to this FEIS, please contact: Mr. Dennis Ossenkop, ANM–611, Federal Aviation Administration, Airports Division Regional Office, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056.

Issued in Renton, Washington on February 1, 1996.

Lowell H. Johnson,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Renton, Washington.

[FR Doc. 96–2849 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–96–4]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

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

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before February 29, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address:
nprmcmts@mail.hq.faa.gov.

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

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

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 2, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28419.

Petitioner: United Parcel Service.

Sections of the FAR Affected: 14 CFR 121.401(b); 121.417(b)(2) and (3), (c)(2), and (e); 121.427(c)(1)(iii); 121.433(c)(1)(iii); 121.440(a); 121.441(a) and (b)(1); and appendix F, part 121.

Description of Relief Sought: To permit UPS regulatory relief to the extent necessary to conduct a single-visit training program for its flight crewmembers and eventually transition

into the Advanced Qualification Program codified in SFAR 58.

Dispositions of Petitions

Docket No.: 26223.

Petitioner: Airbus Service Company, Inc.

Sections of the FAR Affected: 14 CFR 121.411(a)(2) and (3) and (b)(2); 121.413(b), (c), and (d); and appendix H, part 121.

Description of Relief Sought/ Disposition: To extend Exemption No. 5302, as amended, which permits Airbus Service Company, Inc., (Airbus) to use the instructors listed in its original exemption who do not meet all of the applicable training requirements of part 121, subpart N or the employment requirements of part 121, appendix H, to train employees of part 121 certificate holders in FAA-approved simulators and in turbojet-powered airplanes manufactured by Airbus.

GRANT, December 29, 1995, Exemption No. 5302B

Docket No.: 26223.

Petitioner: Airbus Service Company, Inc.

Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(c)(2) and (d)(2) and (3); 61.65(c), (e)(2) and (3) and (g); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); 61.191(c); and appendix A, part 61.

Description of Relief Sought/ Disposition: To extend Exemption No. 6032, which permits Airbus to use FAA-approved simulators to meet certain flight experience requirements of part 61.

GRANT, December 28, 1995, Exemption No. 6032A

Docket No.: 26821.

Sections of the FAR Affected: 14 CFR 61.57(d).

Description of Relief Sought/ Disposition: To extend Exemption No. 5742, as amended, which permits pilots employed by MCI to increase the interval between recency of flight experience requirements and to accomplish some recency of night experience in Level C or Level D simulators.

PARTIAL GRANT, December 29, 1995, Exemption No. 5742B

Docket No.: 28274.

Petitioner: Samoa Air.

Sections of the FAR Affected: 14 CFR 135.180.

Description of Relief Sought/ Disposition: To permit Samoa Air to operate two deHavilland Twin Otter (DHC–6) airplanes without an approved traffic alert and collision avoidance System (TCAS I) installed.

DENIAL, December 29, 1995, Exemption No. 6250

Docket No.: 28355.

Petitioner: USAir, Inc., and Southwest Airlines Co.

Sections of the FAR Affected: 14 CFR 121.359(a).

Description of Relief Sought/ Disposition: To permit USAir and Southwest Airlines Co., Boeing–737 (B–737) flightcrews experiencing an uncommanded flight control input to deactivate the cockpit voice recorder (CVR) upon clearing the active runway after landing.

GRANT, December 29, 1995, Exemption No. 6387

Docket No.: 28412.

Petitioner: Polynesian Limited.

Sections of the FAR Affected: 14 CFR 129.18(b).

Description of Relief Sought/ Disposition: To allow Polynesian Limited to operate two deHavilland Twin Otter (DHC–6) airplanes that are not equipped with an approved traffic collision and avoidance system (TCAS I) at Pago Pago, American Samoa, after December 31, 1995.

DENIAL, December 29, 1995, Exemption No. 6386.

[FR Doc. 96–2852 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application (#96–01–C–00–LAR) To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Laramie Regional Airport, Submitted by Laramie Regional Airport, Laramie, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent To Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Laramie Regional Airport under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR 158).

DATES: Comments must be received on or before March 11, 1996.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan Wiechmann, Manager; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, CO 80216–6026.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jack Skinner, Airport Business Manager at the following address: Laramie Regional Airport, 555 General Brees Road, Laramie, WY 82070.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Laramie Regional Airport, under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Johnson, (303) 286–5533; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, CO 80216–6026. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application (#91–01–C–00–LAR) to impose and use PFC revenue at Laramie Regional Airport, under the provisions of 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 1, 1996, the FAA determined that the application to impose and use the revenue from a PFC submitted by Laramie Regional Airport, Laramie, Wyoming, was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whose or in part, no later than May 3, 1996.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: March 1, 1996.

Proposed charge expiration date: April 30, 2000.

Total estimated PFC revenues: $128,000.00.

Brief description of proposed project: Terminal building remodel.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue S.W., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Laramie Regional Airport.

Issued in Renton, Washington, on February 1, 1996.

David A. Field,

Manager, Planning, Programming, and Capacity Branch, Northwest Mountain Region.

[FR Doc. 96–2848 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Jefferson County, WV

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Jefferson County, West Virginia.

FOR FURTHER INFORMATION CONTACT: David A. Leighow, Division Environmental Coordinator, Federal Highway Administration, 550 Eagan Street, Suite 300, Charleston, West Virginia 25301, Telephone (304) 347–5329; or, Ben L. Hark, Environmental Section Chief, roadway Design Division, West Virginia Department of Transportation, 1900 Kanawha Boulevard East, Building 5, Room A–416, Capitol Complex, Charleston, West Virginia 25305–0430, Telephone (304) 558–2885.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the West Virginia Department of Transportation (WVDOT), will prepare an EIS for the US 340 Virginia Line to Charles Town project in Jefferson County, West Virginia. The proposed limits extend from the existing four-lane section of US 340 southwest of the Virginia/West Virginia state line to the existing four lane section of the Charles Town Bypass (US 340) in Wheaton, West Virginia, approximately 3 kilometers (2 miles) north of Rippon. The total length of the proposed project is approximately 6.5 kilometers (4 miles). The project will be processed as a merged NEPA/404 project.

Alternatives under consideration include but are not limited to (1) taking no action, (2) minimal improvement of the existing road, (3) where possible, widening the existing two-lane highway to four lanes, and (4) constructing a four-lane, partially controlled access highway on new location. Additional alignments may be evaluated based upon the results of the preliminary engineering studies and the public and agency involvement process. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. Multi-modal forms of transportation, such as mass transit, will be considered and addressed as appropriate.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed, or are known to have interest in this project. A formal scoping meeting will be scheduled, along with a field view. Public meetings and a public hearing will be held during the Draft Environmental Impact Statement (DEIS) review period. Public notice will be given of the times and places for the meetings and hearing. The DEIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

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

Issued on: January 29, 1996.

David A. Leighow,

Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 96–2781 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Emergency Order No. 18, Notice No. 1]

Atchison, Topeka, and Santa Fe Railway Company; Burlington Northern Santa Fe Railroad; Emergency Order Requiring Capability To Initiate Emergency Application of Air Brakes From the Head End and Rear of Trains

The Federal Railroad Administration (FRA) of the United States Department of Transportation (DOT) has determined that public safety compels issuance of this Emergency Order requiring that all westward trains operated by the Atchison, Topeka, and Santa Fe Railway Company (ATSF) on the Cajon Subdivision, between Barstow milepost 745.9 and Baseline milepost 79.9, have the capability to initiate an emergency application of the air brakes from both the head and rear of the train. ATSF recently merged with the Burlington Northern Railroad to form Burlington Northern Santa Fe. To the extent this new entity's activities have an effect on the train operations in question, it is covered by this order.

Authority

Authority to enforce Federal railroad safety laws has been delegated by the Secretary of Transportation to the Federal Railroad Administrator. 49 CFR § 1.49. Railroads are subject to FRA's safety jurisdiction under the Federal railroad safety laws. 49 U.S.C. 20101, 20103. FRA is authorized to issue emergency orders where an unsafe condition or practice ''causes an emergency situation involving a hazard of death or personal injury.'' 49 U.S.C. 20104. These orders may immediately impose such ''restrictions and prohibitions * * * that may be necessary to abate the situation.'' *(Ibid.)*

Background

ATSF's line of railroad between Barstow and Los Angeles, California, consists of double main track which passes through the San Bernardino Mountains via ''Cajon Pass.'' The route for westward moving trains involves a steady climb from Barstow to Summit, California, a distance of approximately 55 miles. At Summit, the line begins a descent westward with a more than 3 percent grade on one track and a more than 2 percent grade on the other track. The descent for eastward trains is not nearly as severe. Trains in this area operate by authority of a centralized traffic control system managed by ATSF train dispatchers. The Union Pacific Railroad (UP) also operates its trains through this same corridor via a trackage rights agreement with ATSF. The Southern Pacific Railroad operates trains through Cajon Pass, but on a right-of-way separate from that of ATSF.

On December 14, 1994, a westbound Santa Fe intermodal freight train operating between Barstow and San Bernardino, California collided with the rear end of a UP unit coal train resulting in the serious injury of two crew members and total estimated damages in excess of $4 million. Investigation of the accident revealed that an apparent blockage or restriction of the trainline (i.e., the connected system of metal pipes and flexible air hoses that runs end-to-end through the train) inhibited the normal brake pipe air flow resulting in incomplete train braking. After investigation of this incident, the National Transportation Safety Board

(NTSB) concluded that, had the train been equipped with a two-way end-of-train device (EOT), the collision could have been avoided because the engineer could have initiated an emergency brake application from the rear of the train. A two-way EOT provides the engineer with information on the status of brake pressure at the rear of the train and permits the locomotive crew to initiate, via telemetry, an emergency brake application from the rear of the train forward. This permits the application of effective braking force even if there is blockage somewhere on the trainline.

On December 15, 1995, based on the conclusions reached above, the NTSB recommended that FRA separate the two-way end-of-train device provisions of its 1994 proposed rule on power brakes from the rest of the proposal, and immediately conclude the end-of-train device rulemaking so as to require the devices on all cabooseless trains. FRA had independently decided to take separate action on the EOT provisions, and has so informed NTSB. NTSB also recommended to all major railroads that, pending completion of FRA's final rule, those railroads implement the use of two-way EOTs on all cabooseless trains by March 31, 1996.

Subsequent to the December 1994 accident, Santa Fe worked with the railroad safety staff of the California Public Utilities Commission (PUC) to voluntarily implement various changes in its operations, which included a plan to commence equipping trains with two-way end-of-train devices. Measures implemented by Santa Fe following the accident included changes in its rules of operations to provide for use of manned helper locomotives on certain westward moving trains; issuing instructions to maximize the use of the track with a lesser grade; issuing instructions to avoid stopping trains on a descending grade and avoid allowing following trains in the next block to the rear of westward moving trains; and appointing an operating officer to focus exclusively on train operations through Cajon Pass.

On February 1, 1996, westward ATSF freight train HBALT–131 derailed on a descending 3 percent grade at milepost 60.7, approximately 4 miles west of Summit and 20 miles east of San Bernardino. The derailment occurred when the train entered a more than 7 degree curve at a speed estimated to be in excess of 50 mph (maximum operating speed at that location is 25 mph). The incident resulted in fatal injuries to the conductor and brakeman, serious injury to the engineer, and the derailment of 45 of 49 cars and all four locomotives. The train consisted of hazardous material cars that subsequently caught fire. Area residents were evacuated and highways were closed, including Interstate 15. The NTSB is heading the investigation. FRA is providing expert assistance in the investigation. Although investigation of this accident is currently in progress, it appears as though it could have been avoided had the train been equipped with a means for the train crew to have effected an emergency brake application from the rear of the train. Although the train was equipped with a two-way EOT device, it appears that it was not ''armed,'' i.e., that it was not activated in such a way that it could have been used to effect an emergency application from the rear of the train. At this early juncture, it appears that a contributory cause of this incident may have been a blocked brake pipe.

Based on its investigatory efforts, FRA has reason to believe that ATSF's procedures for ensuring the safe passage of trains through Cajon Pass are presently inadequate to protect public and employee safety. Although FRA believes the accidents described above are reason enough to warrant that conclusion, FRA is also concerned about other indications that ATSF has not been taking appropriate actions to prevent such accidents. FRA has reason to believe that ATSF has not consistently followed its own protocols for operations through Cajon Pass designed to prevent such accidents and is not consistently taking proper preventive actions at Barstow, such as ensuring, during pre-departure inspections, that EOTs have been properly activated to permit brake application from the rear of the train. This additional evidence of inadequate practices on the part of ATSF underscores the need for immediate action to prevent a recurrence.

Finding and Order

FRA concludes that ATSF's current operation of freight trains on the Cajon Subdivision, between Barstow milepost 745.9 and Baseline milepost 79.9, poses an imminent and unacceptable threat to public safety. I find that the unsafe conditions discussed above create an emergency situation involving a hazard of death or injury to persons. Accordingly, pursuant to the authority of 49 U.S.C. 20104, delegated to me by the Secretary of Transportation (49 CFR § 1.49), it is hereby ordered that, on all of ATSF's westward freight trains operating through Cajon Pass:

(1) ATSF must ensure that it is possible for the train crew to effect an emergency brake application from the rear of the train by at least one of the following methods:

(A) *Use of a two-way end-of-train device* that has been tested, is functioning, and is armed (activated) to permit a brake application from the rear. When this method is used.

- ATSF must determine, after all other required brake inspections and before the train departs Barstow, that the EOT is functioning in two-way operation by testing the device's ability to effectuate an emergency application; and
- The person making this determination must document in writing (the railroad may prescribe a form for this purpose) that the device is functioning in two-way operation and its battery is fully charged. That person must sign the form and ensure that it is kept in the cab of the locomotive with the daily inspection form; OR

(B) *Use of an occupied helper locomotive at the end of the train.* If this method is used:

- The helper locomotive engineer will initiate and maintain two-way voice radio communication with the engineer on the head end of the train; this contact shall be verified just prior to passing Summit. If there is a loss of communication prior to passing Summit, the helper locomotive engineer and the head-end engineer will act immediately to stop the train until voice communication is resumed. If there is a loss of communication once the descent has begun beyond Summit, the helper locomotive engineer and the head-end engineer will act to stop the train if the train has reached a predetermined rate of speed that indicates the need for emergency braking.
- The dynamic brakes must be tested, cut in, and known to be functioning by both the helper engineer and the head end engineer;
- The brake pipe of the helper locomotive must be connected and cut in to the train line and tested to ensure operation; and
- Trains will be stopped when helpers are cut in or cut off from trains being assisted; OR

(C) *Use of an occupied caboose at the end of the train* with a tested, functioning brake valve capable of initiating an emergency brake application from the caboose. If this method is used:

- The train service employee in the caboose and the engineer on the head end of the train will establish and maintain two-way voice radio communication and respond appropriately to the loss of such communication in the same manner as prescribed for helper locomotives, above; OR

(D) *Use of a radio-controlled locomotive* in the rear third of the train under continuous control of the engineer in the head end by means of telemetry, but only if such radio-controlled locomotive is capable of initiating an emergency application on command from the lead locomotive.

(2) Once such a train has received the required brake test at Barstow, ATSF must test the emergency braking capacity of the train by initiating an emergency application of the brakes and determining that the emergency application propagates throughout the train. Where no EOT device is used, this determination must be made by visual observation that the brakes have set on the rear car. Where an EOT device is used, this determination is made by seeing that the brake pipe pressure drops rapidly to zero.

(3) ATSF shall immediately report to the Emergency Response Center (1–800–424–0201) any incidents involving loss of braking control over the affected territory.

Relief

ATSF may obtain relief from this order by demonstrating to FRA that, through compliance with this order and any additional measures ATSF may adopt on its own or through partnership efforts described below, it is consistently sending trains westward from Barstow with fully functioning air brake systems that can be successfully operated in emergency application from the rear of the train through use of one of the methods described above. At a minimum, FRA will require a showing that, for a period of 180 consecutive days, there has been no violation of this order. Following such a 180-day period, ATSF may request in writing to the Administrator that FRA rescind this order. At that time, FRA will take into account both evidence indicating compliance with this order and any other information it has gathered concerning ATSF's relevant practices that may affect the safety of train operations at Cajon Pass.

FRA will, at any time, consider requests by ATSF to exclude certain train operations from the scope of this order based on satisfactory demonstration that those operations can be safely performed using other procedures. However, all aspects of this order apply to all westward trains departing Barstow unless and until written special approval is granted permitting other procedures for specific train operations. The Associate Administrator for Safety is authorized to issue such special approvals without amending this order.

Effective Safety Partnerships

Over the past year, FRA has been encouraged by the formation of various partnerships involving FRA, major railroads, and affected labor organizations in collaborative actions to improve railroad safety. FRA is ready to work in partnership with ATSF and the affected labor organizations to improve the safety of operations in the Cajon Pass area in the same way that such partnerships have improved safety across the industry.

Penalties

Any violation of this order shall subject the person committing the violation to a civil penalty of up to $20,000. 49 U.S.C. 21301. FRA may, through the Attorney General, also seek injunctive relief to enforce this order. 49 U.S.C. 20112.

Effective Date and Notice to Affected Persons

This order shall take effect at 12:01 a.m (PST) on February 8, 1996, and apply to all westward trains leaving Barstow on or after that time. Notice of this Order will be provided by publishing it in the Federal Register. Copies of this Emergency Order will be sent by mail or facsimile prior to publication to the Vice President-Operations of ATSF, counsel for ATSF, officials of interested labor organizations, the California PUC, and the Association of American Railroads.

Review

Opportunity for formal review of this Emergency Order will be provided in accordance with 49 U.S.C. 20104(b) and section 554 of Title 5 of the United States Code. Administrative procedures governing such review are found at 49 CFR Part 211. *See* 49 CFR §§ 211.47, 211.71, 211.73, 211.75, and 211.77.

Issued in Washington, D.C. on February 6, 1996.

Jolene M. Molitoris,

Administrator.

[FR Doc. 96–2995 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–06–P

[FRA Docket No. RST–95–2]

Petition for Waiver of Compliance

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) received from the National Railroad Passenger Corporation (Amtrak), on behalf of the San Diego Northern Railway (SDNX), a request for a waiver of compliance with certain requirements of Title 49 CFR Part 213: *TRACK SAFETY STANDARDS.*

The purpose of the petition is to secure approval from the FRA for the operation of passenger trains at curve negotiating speed producing up to four inches of cant deficiency (superelevation underbalance). Currently, Section 213.57(b) limits cant deficiency to not more than three inches.

Amtrak is the designated operator of Coaster Commuter Service and Amtrak trains on the SDNX route that extends from a location near Oceanside to San Diego, CA. Amtrak petitioned for permission to substitute the value of 4 inches instead of 3 inches in the Vmax formula for determining maximum train speeds on the curves on this route.

Interested parties may submit written views, data, or comments on this petition. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires and opportunity for comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communication concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST–95–2) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC, on February 1, 1996.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 96–2764 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

[Docket No. NCI 3363; Notice 2]

1995 Chrysler Cirrus and Dodge Stratus Passenger Cars; Change in Date of Public Proceeding

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of change of date of public meeting.

SUMMARY: The public meeting previously announced for 10 a.m. on February 14, 1996, regarding NHTSA's initial decision that certain 1995 model Chrysler Cirrus and Dodge Stratus passenger cars fail to comply with Federal Motor Vehicle Safety Standard No. 210, *Seat Belt Assembly Anchorages,* has been changed to February 23, 1996.

FOR FURTHER INFORMATION CONTACT: Jeff Giuseppe, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590; (202) 366–5756.

SUPPLEMENTARY INFORMATION: On January 26, 1996, NHTSA published a notice in the Federal Register (61 FR 2570) stating that, pursuant to 49 U.S.C. 30118(a), NHTSA's Associate Administrator for Safety Assurance had made an initial decision that certain 1995 model Chrysler Cirrus and Dodge Stratus passenger cars manufactured by Chrysler Corporation before May 15, 1995, do not comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 210, *Seat Belt Assembly Anchorages,* 49 CFR 571.210.

Pursuant to 49 U.S.C. 30118(b)(1) and 49 CFR § 554.10, the notice stated that a public meeting would be held at 10 a.m., on Wednesday, February 14, 1996, in Room 2230, Department of Transportation Building, 400 Seventh Street, SW, Washington, DC, at which time the manufacturer and all other interested persons will be afforded an opportunity to present information, views, and arguments on the issue of whether the vehicles covered by this initial decision comply with FMVSS No. 210.

On February 1, 1996, Chrysler informed the agency that it needed additional time to prepare its presentation for the meeting and requested that the meeting be rescheduled for February 23, 1996. After review, the agency has decided to grant Chrysler's request. Accordingly, such meeting will be held on Friday, February 23, 1996, at the same location, Room 2230 of the DOT Headquarters Building.

Interested persons were invited to participate in this proceeding through written and/or oral presentations. Persons wishing to make oral presentations were requested to notify Ms. Elaine Beale, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, Room 6111, 400 Seventh Street, SW, Washington, DC 20590, (202) 366–2832 or by fax at (202) 366–1024, before the close of business on February 16, 1996. Persons who wish to file written comments should submit them to the same address, preferably no later than the beginning of the meeting on February 23, 1996. However, the agency will accept written submissions until March 8, 1996.

Authority: 49 U.S.C. 30118(a); delegations of authority at 49 CFR 1.50(a) and 49 CFR 501.8.

Issued on: February 6, 1996.

Michael B. Brownlee,

Associate Administrator for Safety Assurance.

[FR Doc. 96–2908 Filed 2–6–96; 3:23 pm]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8807, Certain Manufacturers and Retailers Excise Taxes

DATES: Written comments should be received on or before April 9, 1996 to be assured of consideration.

ADDRESS: Direct all written comments to Garrick R. Shear, Internal Revenue Service, T:FP, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, T:FP, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certain Manufacturers and Retailers Excise Taxes.

OMB Number: 1545–1076.

Form Number: 8807.

Abstract: Form 8807 is used to compute the excise tax on fishing equipment, bows and arrows, trucks and trailer chassis and bodies and tractors, and the luxury tax on passenger vehicles.

Current Actions: The form has been revised to help taxpayers correctly compute the tax. The trucks and trailer chassis and bodies and tractors tax is imposed at retail and requires line entries not applicable to the three manufacturers taxes. Therefore, we have separated the retailers tax from the manufacturers' taxes. Line instructions for Parts I and II have been added that further assist taxpayers.

Type of Review: Revision of a currently approved form.

Affected Public: Businesses.

Estimated Number of Respondents: 46,746.

Estimated Time Per Respondent: 3 hrs., 11 min.

Estimated Total Annual Burden Hours: 148,618

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. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of 3 tomated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Approved: January 31, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–2655 Filed 2–8–96; 8:45 am]

BILLING CODE 4830–01–U

Public Information Collection Requirements Submitted to OMB for Review

February 1, 1996.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by

calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0152.

Form Number: IRS Form 3115.

Type of Review: Revision.

Title: Application for Change in Accounting Method.

Description: Form 3115 is used by taxpayers who wish to change their method of computing their taxable income. The form is used by the IRS to determine if electing taxpayers have met the requirements and are able to change to the method requested.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

Estimated Number of Respondents/ Recordkeepers: 6,400.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Sched.	Recordkeeping	Learning about the law or the form	Preparing and Sending the form to the IRS
3115	18 hr., 11 min	4 hr., 26 min	6 hr., 8 min.
Sched. A	4 hr., 4 min	1 hr., 23 min	1 hr., 31 min.
Sched. B	2 hr., 40 min	0 hr., 35 min	1 hr., 10 min.
Sched. C	27 hr., 44 min	2 hr., 3 min	3 hr., 48 min.
Sched. D	5 hr., 1 min	1 hr., 59 min	2 hr., 9 min.

Frequency of Response: Other: When Needed.

Estimated Total Reporting/ Recordkeeping Burden: 270,490 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 96–2879 Filed 2–8–96; 8:45 am]

BILLING CODE 4830–01–P

Sunshine Act Meetings

Federal Register
Vol. 61, No. 28
Friday, February 9, 1996

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, February 13, 1996, 2:00 p.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED

Multiple Tube Mine and Shell Fireworks

The staff will brief the Commission on a final rule addressing the tip-over of large multiple tube mine and shell fireworks devices.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: February 7, 1996.

Sadye E. Dunn,

Secretary.

[FR Doc. 96–3031 Filed 2–7–96; 3:00 pm]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: 61 FR 4301, Monday, February 5, 1996.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, February 8, 1996—2:00 P.M. (Eastern Time).

CHANGE IN THE MEETING: The following item has been cancelled:

4. Recommended FY 1996 State and Local Allocations.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

This Notice Issued February 7, 1996.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 96–3030 Filed 2–7–96; 2:59 pm]

BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 11:05 a.m. on Tuesday, February 6, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) reports of the Office of Inspector General, and (2) matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Mr. Stephen R. Steinbrink, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), Director Joseph H. Neely (Appointive), and Chairman Ricki Helfer, that corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Dated: February 6, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–2977 Filed 2–7–96; 11:13 am]

BILLING CODE 6714–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–96–02]

Emergency Notice

TIME AND DATE: Thursday, February 8, 1996 at 11:00 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:

1. The Chairman's proposal for the Fiscal Year 1997 budget request.

CONTACT PERSON FOR MORE INFORMATION: Donna R. Koehnke, Secretary, (202) 205–2000.

Issued: February 7, 1996.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–3099 Filed 2–7–96; 3:55 pm]

BILLING CODE 7020–02–P

Corrections

Federal Register
Vol. 61, No. 28
Friday, February 9, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AF39

Revision of Fee Schedules; 100% Fee Recovery, FY 1996

Correction

In proposed rule document 95–1524, beginning on page 2948 in the issue of Tuesday, January 30, 1996, make the following corrections.

§170.21 [Corrected]

On page 2957, in §170.21 in the table, in item 5., at the end of the second line remove ''Ame''.

§171.16 [Corrected]

On page 2962, in the third column, in §171.16(c), in the table, the last entry is corrected to read as follows:

	Maximum annual fee per licensed category
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Less:	
35 to 500 employees	1,800
Less than 35 employees	400

On the same page, in §171.16(d), because of numerous errors the table is being republished in its entirety.

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses		Annual fees[1 2 3]
1. Special nuclear material:		
A.(1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.		
(a) Strategic Special Nuclear Material:		
Babcock & Wilcox	SNM–42	$2,404,000
Nuclear Fuel Services	SNM–124	2,404,000
(b) Low Enriched Uranium in Dispersable Form Used for Fabrication of Power Reactor Fuel:		
Combustion Engineering (Hematite)	SNM–33	1,180,000
General Electric Company	SNM–1097	1,180,000
Siemens Nuclear Power	SNM–1227	1,180,000
Westinghouse Electric Company	SNM–1107	1,180,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.		
(a) Facilities with limited operations:		
B&W Fuel Company	SNM–1168	469,400
(b) All Others:		
General Electric	SNM–960	318,800
B. Licenses for receipt and storage of spent fuel at an independent spent fuel storage installation (ISFSI)		261,100
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers.		1,200
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in §150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1.A.(2).		2,800
E. Licenses for the operation of a uranium enrichment facility		[11] N/A
2. Source material:		
A.(1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride		598,100
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode..		
Class I facilities[4]		57,000
Class II facilities[4]		32,200
Other facilities[4]		20,600
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2.A.(2) or Category 2.A.(4).		41,800
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2.A.(2).		7,400
B. Licenses which authorize only the possession, use and/or installation of source material for shielding		450
C. All other source material licenses		8,100
3. Byproduct material:		
A. Licenses of broad scope for possession and use of byproduct material issued pursuant to parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.		15,400
B. Other licenses for possession and use of byproduct material issued pursuant to part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution.		5,200
C. Licenses issued pursuant to §§32.72, 32.73, and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized pursuant to part 40 of this chapter when included on the same license.		10,400
D. Licenses and approvals issued pursuant to §§32.72, 32.73, and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material. This category also includes the possession and use of source material for shielding authorized pursuant to part 40 of this chapter when included on the same license..		4,100

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units).	2,900
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.	3,500
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.	18,200
H. Licenses issued pursuant to subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	4,600
I. Licenses issued pursuant to subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter.	8,200
J. Licenses issued pursuant to subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	3,500
K. Licenses issued pursuant to subpart B of part 31 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter.	3,000
L. Licenses of broad scope for possession and use of byproduct material issued pursuant to parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution.	11,400
M. Other licenses for possession and use of byproduct material issued pursuant to part 30 of this chapter for research and development that do not authorize commercial distribution.	5,100
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C	5,600
O. Licenses for possession and use of byproduct material issued pursuant to part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized pursuant to part 40 of this chapter when authorized on the same license.	13,000
P. All other specific byproduct material licenses, except those in Categories 4A through 9D	1,600
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material.	[5]94,400
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	13,300
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	7,100
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	7,500
B. Licenses for possession and use of byproduct material for field flooding tracer studies	12,200
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material	13,600
7. Human use of byproduct, source, or special nuclear material:	
A. Licenses issued pursuant to parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.	9,500
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [9].	21,700
C. Other licenses issued pursuant to parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license [9].	4,300
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	1,600
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution.	6,700
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices.	3,400
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution.	1,400
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel.	720
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
Spent Fuel, High-Level Waste, and	[6] N/A
Other Casks	[6] N/A
B. Approvals issued of 10 CFR part 71 quality assurance programs.	
Users and Fabricators	72,800
Users	950
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	261,100
14. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities pursuant to 10 CFR parts 30, 40, 70, and 72.	[7] N/A
15. Import and Export licenses	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies	388,600
18. Department of Energy:	
A. Certificates of Compliance	[10] 1,078,000

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses		Annual fees [1 2 3]
B. Uranium Mill Tailing Radiation Control Act (UMTRCA) activities		1,813,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material during the fiscal year. However, the annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses prior to October 1, 1995, and permanently ceased licensed activities entirely by September 30, 1995. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a POL during the fiscal year and for new licenses issued during the fiscal year will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (e.g., human use and irradiator activities), annual fees will be assessed for each category applicable to the license. Licensees paying annual fees under Category 1.A. (1). are not subject to the annual fees of Category 1.C and 1.D for sealed sources authorized in the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, or 72 of this chapter.

[3] For FYs 1997 and 1998, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the FEDERAL REGISTER for notice and comments.

[4] A Class I license includes mill licenses issued for the extraction of uranium from uranium ore. A Class II license includes solution mining licenses (in-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses. An ''other'' license includes licenses for extraction of metals, heavy metals, and rare earths.

[5] Two licenses have been issued by NRC for land disposal of special nuclear material. Once NRC issues a LLW disposal license for byproduct and source material, the Commission will consider establishing an annual fee for this type of license.

[6] Standardized spent fuel facilities, parts 71 and 72 Certificates of Compliance, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to the users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Categories 7B or 7C.

[10] This includes Certificates of Compliance issued to DOE that are not under the Nuclear Waste Fund.

[11] No annual fee has been established because there are currently no licensees in this particular fee category.

BILLING CODE 1505–01–D

Federal Register

Friday
February 9, 1996

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3778–N–71]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) 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 reviewed in 1995 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.

In accordance with 24 CFR 581.3(b) landholding agencies are required to notify HUD by December 31, 1995, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR 581.8 (d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For 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: U.S. Army: Derrick Mitchell, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 355–0083; Corps of Engineers: Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE–MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1750; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of the Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; U.S. Air Force: Barbara Jenkins, Air Force Real Estate Agency (Area/MI), Bolling AFB, 112 Luke Avenue, Suite 104, Washington, DC 20332–8020; (202) 767–4184; GSA: Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501–2059; Dept. of Veterans Affairs: Steve Koenig, Management Analyst, Dept. of Veterans Affairs, room 414, Lafayette Bldg., 811 Vermont Ave. NW, Washington, DC 20420; (202) 565–5424; Dept. of Energy: Tom Knox, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 566–1191; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW., room 10319, Washington, DC 20590; (202) 366–4246; Dept. of the Interior: Lola D. Knight, Property Management Specialist, Dept. of the Interior, 1849 C St. NW, Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080. (These are not toll-free numbers.)

Dated: February 2, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V Properties Reported in Year 95 Which Are Suitable and Available

Air Force

Arizona

Buildings

Facility Number 18
Property Number: 189510024
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 5925 sq. ft., 1 story, good condition, off-site removal only, most recent use—storage.

Facility Number 21
Property Number: 189510025
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 2500 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—child care.

Facility Number 22
Property Number: 189510026
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 13,752 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—gymnasium.

Facility Number 23
Property Number: 189510027
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 485 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility Number 27
Property Number: 189510028
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 3252 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—base chapel.

Facility Number 29
Property Number: 189510029
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 85 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility Number 31
Property Number: 189510030
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 2720 sq. ft., steel frame, 1 story, good condition, off-site removal only, most recent use—sales store.

Facility Number 32
Property Number: 189510031
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 1200 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—hobby shop.

Facility Number 34
Property Number: 189510032
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 1937 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—bath house.

Facility Number 35
Property Number: 189510033
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 7685 sq. ft., concrete block frame, 1 story, good condition, off-site removal only, most recent use—open mess.

Facility Number 37
Property Number: 189510034
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 21,295 sq. ft., wood frame, 2 story, good condition, off-site removal only, most recent use—dormitory/multi-purpose.

Facility Number 38
Property Number: 189510035
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 4115 sq. ft., metal frame, good condition, 1 story, off-site removal only, most recent use—commissary.

38 Family Housing
Property Number: 189510036
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 1170 sq. ft. ea., 1 story relocatable framed residences, good condition, secured area w/alternate access.

26 Family Housing
Property Number: 189510037
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 1456 sq. ft. ea., 1 story slump block frame residences, off-site removal only, good condition.

Facility Number 510
Property Number: 189510038
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 373 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage.

18 Detached Garages
Property Number: 189510039
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Location: Inc. bldgs. 630, 640, 670, 680, 710, 720, 740, 760, 790, 800, 820, 840, 870, 880, 910, 920, 950, 960 on Milan Loop
Status: Excess
Comment: 186 sq. ft. ea., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility Number 1004
Property Number: 189510040
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 1734 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residence.

Facility Number 1010
Property Number: 189510041
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 4155 sq. ft., quonset hut frame, good condition, off-site removal only, most recent use—theater.

Facility Number 4140
Property Number: 189510042
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 3584 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—bowling center.

Facility Number 4520
Property Number: 189510043
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 7800 sq. ft., prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory.

Facility Number 4252
Property Number: 189510044
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Status: Excess
Comment: 144 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—storage.

10 Duplex Family Housing
Property Number: 189510045
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Location: Inc. bldgs. 2334, 2335, 2340, 2343, 2344, 2348, 2351, 2352, 2356, 2360 on Conrad Circle
Status: Excess
Comment: 3176 sq. ft., slump blocks frame, 1 story, good condition, off-site removal, most recent use—residences.

4—Fourplex Family Housing
Property Number: 189510046
Fed Reg Date: 08/18/95
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025–
Location: Inc. bldgs. 2337, 2339; 2347; 2355 on Conrad Circle
Status: Excess
Comment: 4728 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residences.

California

Land

60 ARG/DE
Property Number: 189010189
Fed Reg Date: 08/18/95
Project Name: Travis Air Force Base
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB, CA, Co: Solano, Zip: 94535–5496
Location: State Highway 113
Status: Excess
Comment: .13 acre; most recent use—location for instrument landing systems equipment.

Buildings

Bldg. 604
Property Number: 189010237
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame, most recent use—housing.

Bldg. 605
Property Number: 189010238
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame, most recent use—housing.

Bldg. 612
Property Number: 189010239
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame, most recent use—housing.

Bldg. 611
Property Number: 189010240
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame, most recent use—housing.

Bldg. 613
Property Number: 189010241
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Property Number: 189010242
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Property Number: 189010243

Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Property Number: 189010244
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Property Number: 189010245
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Property Number: 189010246
Fed Reg Date: 08/18/95
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468–5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Florida

Buildings

Bldg. 244
Property Number: 189520001
Fed Reg Date: 08/18/95
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825–
Status: Excess
Comment: 6239 sq. ft., masonry frame, needs rehab, secured area w/alternate access, most recent use—commissary.

Bldg. 242
Property Number: 189520002
Fed Reg Date: 08/18/95
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825–
Status: Excess
Comment: 8554 sq. ft., steel frame module, secured area w/alternate access, most recent use—exchange branch.

Bldg. 427
Property Number: 189520003
Fed Reg Date: 08/18/95
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825–
Status: Excess
Comment: 5258 sq. ft., metal & masonry frame, secured area w/alternate access, most recent use—bowling center.

Guam

Land

Annex 1
Property Number: 189010427
Fed Reg Date: 08/18/95
Project Name: Andersen Communication
Andersen Communication
Dededo, GU, Co: Guam, Zip: 96912–
Location: In the municipality of Dededo.
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2, (Partial)
Property Number: 189010428
Fed Reg Date: 08/18/95
Project Name: Andersen Petroleum Storage
Andersen Petroleum Storage
Dededo, GU, Co: Guam, Zip: 96912–
Location: In the municipality of Dededo.
Status: Underutilized
Comment: 35 acres; subject to utilities easements.

Buildings

Anderson VOR
Property Number: 189010267
Fed Reg Date: 08/18/95
Project Name: Anderson VOR
In the municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.

Anderson Radio Beacon Annex
Property Number: 189010268
Fed Reg Date: 08/18/95
Project Name: Anderson Radio Beacon Annex
In the municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive.
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Property Number: 189010545
Fed Reg Date: 08/18/95
Project Name: Anderson Family Housing
Anderson Family Housing
Municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Access is through Route 1, Marine Drive.
Status: Underutilized
Comment: various sq. ft.; 1 story frame/ modified quonset; on 376 acres; portions of building and land leased to Government of Guam.

Harmon VORsite (Portion) (AJKZ)
Property Number: 189120234
Fed Reg Date: 08/18/95
Municipality of Dededo
Dededo, GU, Co: Guam, Zip: 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Iowa

Buildings

Bldg. 00627
Property Number: 189310001
Fed Reg Date: 08/18/95
Sioux Gateway Airport
Sioux City, IA, Co: Woodbury, Zip: 51110–
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested, contamination investigation in progress.

Bldg. 00669
Property Number: 189310002
Fed Reg Date: 08/18/95
Sioux Gateway Airport
Sioux City, IA, Co: Woodbury, Zip: 51110–
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Idaho

Buildings

Bldg. 121
Property Number: 189030007
Fed Reg Date: 08/18/95
Project Name: Mountain Home Air Force Base
Mountain Home Air Force Base
Main Avenue
(See County), ID, Co: Elmore, Zip: 83648–
Status: Excess
Comment: 3375 sq. ft.; 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Bldg. 611
Property Number: 189440016
Fed Reg Date: 08/18/95
Mountain Home Air Force Base
Mountain Home AFB, ID, Co: Elmore, Zip: 83648–
Status: Underutilized
Comment: 3200 sq. ft.; 1 story wood frame, needs repair, presence of lead base paint and asbestos, most recent use—base chapel.

Bldg. 2201
Property Number: 189520005
Fed Reg Date: 08/18/95
Mountain Home Air Force Base
Mountain Home AFB, ID, Co: Elmore, Zip: 83648–
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles.

Louisiana

Buildings

Barksdale Radio Beacon Annex
Property Number: 189010269
Fed Reg Date: 08/18/95
Project Name: Barksdale Radio Beacon Annex
Barksdale Radio Beacon Annex
Curtis, LA, Co: Bossier, Zip: 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles on highway C1552.
Status: Unutilized
Comment: 360 sq. ft.; 1 story wood/concrete; on 11.25 acres.

Michigan

Land

Calumet Air Force Station
Property Number: 189010862
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Property Number: 189010863
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 3.78 acres; potential utilities.

Buildings

Bldg. 30
Property Number: 189010779
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 2593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use—communications transmitter building.

Bldg. 46
Property Number: 189010786
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—visiting personnel housing.

Bldg. 51
Property Number: 189010791
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 52
Property Number: 189010792
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 53
Property Number: 189010793
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 54
Property Number: 189010794
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 55
Property Number: 189010795
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 56
Property Number: 189010796
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 57
Property Number: 189010797
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 58
Property Number: 189010798
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 59
Property Number: 189010799
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 60
Property Number: 189010800
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 61
Property Number: 189010801
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 62
Property Number: 189010802
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 63
Property Number: 189010803
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 64
Property Number: 189010804
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 65
Property Number: 189010805
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 66
Property Number: 189010806
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 67
Property Number: 189010807
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 68
Property Number: 189010808
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Property Number: 189010809
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1394 sq. ft.; 1 story concrete block; possible asbestos; most recent use—youth center.

Bldg. 72
Property Number: 189010811
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 73
Property Number: 189010812
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 74
Property Number: 189010813
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 75
Property Number: 189010814
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 76
Property Number: 189010815
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 77
Property Number: 189010816
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 78
Property Number: 189010817
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 79
Property Number: 189010818
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 80
Property Number: 189010819
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 81
Property Number: 189010820
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 82
Property Number: 189010821
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 83
Property Number: 189010822
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 84
Property Number: 189010823
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 85
Property Number: 189010824
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 86
Property Number: 189010825
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 87
Property Number: 189010826
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 88
Property Number: 189010827
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 89
Property Number: 189010828
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Property Number: 189010829
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 171 sq. ft.; 1 floor, potential utilities; most recent use—pump house.

Bldg. 98
Property Number: 189010830
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 114 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 10
Property Number: 189010836
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.

Bldg. 216
Property Number: 189010847
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 217
Property Number: 189010848
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 218
Property Number: 189010849
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 219
Property Number: 189010850
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 220

Property Number: 189010851
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 221
Property Number: 189010852
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 222
Property Number: 189010853
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 223
Property Number: 189010854
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 224
Property Number: 189010855
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 215
Property Number: 189010856
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.

Bldg. 212
Property Number: 189010859
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 214
Property Number: 189010861
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 23
Property Number: 189010865
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Property Number: 189010866
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 36
Property Number: 189010872
Fed Reg Date: 08/18/95
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 37
Property Number: 189010873
Fed Reg Date: 08/18/95
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913
Status: Excess
Comment: 25 Sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 201
Property Number: 189010879
Fed Reg Date: 08/18/95
Calumet Air Force Station
Calumet, MI Co: Keweenaw, Zip 49913
Status: Excess
Comment: 25 Sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Montana

Buildings

Bldg.—Conrad Training Site
Property Number: 189420025
Fed Reg Date: 08/18/95
15 miles east of the City of Conrad,
MT, Co: Pondera, Zip 59425
Status: Unutilized
Comment: 7000 sq. ft., 1-story brick, most recent use—technical training site.

Bldg. 1807, Malstrom AFB
Property Number: 189510023
Fed Reg Date: 08/18/95
Malstrom Communication Annex
Malstrom AFB MT, Co: Cascade, Zip: 59405
Status: Excess
Comment: 1966 sq. ft., 1 story mansory block bldg. on 22 acres, limited utilities, roof needs replacement.

Facility #1
Property Number: 189530047
Fed Reg Date: 10/06/95
Havre Training Site
MT, Co: Hill, Zip 59501
Status: Excess
Comment: 6843 sq. ft., 1 story brick frame, good condition, most recent use—technical training site.

South Dakota

Buildings

West Communications Annex
Property Number 189340051
Fed Reg Date: 01/18/95
Ellsworth Air Force Base
Ellsworth AFB, SD, Co: Meade, Zip 57706
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Army Alaska

Buildings

Bldg. 400
Property Number: 219440400
Fed Reg Date: 10/13/95
Fort Richardson
Ft. Richardson, AK, Zip: 99505
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only.

Bldg. 402
Property Number: 219440401
Fed Reg Date: 10/13/95
Fort Richardson
Ft Richardson, AK, Zip: 99505
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only.

Bldg. 407
Property Number: 219440402
Fed Reg Date: 10/13/95
Fort Richardson
Ft Richardson, AK, Zip: 99505
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only.

Alabama

Buildings

Bldg. 8913
Property Number: 219140025
Fed Reg Date: 10/13/95
Fort Rucker
7th Avenue
Ft. Rucker, AL, Co: Dale, Zip: 26362
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only.

Bldg. 8914
Property Number: 219140026
Fed Reg Date: 10/13/95
Fort Rucker
7th Avenue
Ft. Rucker, AL, Co: Dale, Zip: 26362
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain's headquarters, off-site use only.

Bldg. T03203, Fort Rucker
Property Number: 219210002
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03206, Fort Rucker
Property Number: 219210003
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized

Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03207, Fort Rucker
Property Number: 219210004
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03208, Fort Rucker
Property Number: 219210005
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03213, Fort Rucker
Property Number: 219210007
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03216, Fort Rucker
Property Number: 219210008
Fed Reg Date: 10/13/95
Cowboy & Crusader St.
Fort Rucker, AL, Co: Dale, Zip: 36362
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. 3502, Fort Rucker
Property Number: 219340181
Fed Reg Date: 10/13/95
Fort Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—instruction bldg., off-site use only.

Bldg. 3702, Fort Rucker
Property Number: 219340183
Fed Reg Date: 10/13/95
Fort Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only.

Bldg. 3703, Fort Rucker
Property Number: 219340184
Fed Reg Date: 10/13/95
Fort Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only.

Bldg. 3704, Fort Rucker
Property Number: 219340185
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 1-story wood, needs rehab, most recent use—barracks, off-site use only.

Bldg. 3705, Fort Rucker
Property Number: 219340186
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only.

Bldg. 3706, Fort Rucker
Property Number: 219340187
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only.

Bldg. 3707, Fort Rucker
Property Number: 219340188
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 3708, Fort Rucker
Property Number: 219340189
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 3714, Fort Rucker
Property Number: 219340190
Fed Reg Date: 10/13/95
Ft. Rucker, AL, Co: Dale, Zip: 36362–5138
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—general purpose, off-site use only.

Bldg. T274, Fort McClellan
Property Number: 219440389
Fed Reg Date: 10/13/95
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 3967 sq. ft., 1-story, most recent use—clinic, needs rehab, off-site use only.

Bldg. T421, Fort McClellan
Property Number: 219440393
Fed Reg Date: 10/13/95
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 1602 sq. ft., 1-story, most recent use—support activity, needs rehab, off-site use only.

Bldgs. T614, T692
Property Number: 219440394
Fed Reg Date: 10/13/95
Fort McClellan
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 2314 sq. ft., & 2685 sq. ft., 1-story bldgs., most recent use—admin., off-site use only.

7 Bldgs.
Property Number: 219440395
Fed Reg Date: 10/13/95
For McClellan
Number 829–831, 833, 835–836, 844
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 4425 sq. ft. each, 2-story, most recent use—barracks, off-site use only.

Bldg. T00893
Property Number: 219440396
Fed Reg Date: 10/13/95
Fort McClellan
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 3269 sq. ft., 1-story, most recent use—chapel, off-site use only.

Bldgs. T903, T909
Property Number: 219440397
Fed Reg Date: 10/13/95
Fort McClellan
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 1677 sq. ft. and 1166 sq. ft. bldgs., most recent use—classroom, off-site use only.

Bldgs. T916–T917, T925
Property Number: 219440398
Fed Reg Date: 10/13/95
Fort McClellan
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 3075–4500 sq. ft., 1-story, most recent use—barracks, off-site use only.

Bldg. T1398
Property Number: 219440399
Fed Reg Date: 10/13/95
Fort McClellan
Ft. McClellan, AL, Co: Calhoun, Zip: 36205–5000
Status: Unutilized
Comment: 3108 sq. ft., 1-story, most recent use—classroom, needs rehab, off-site use only.

Bldg. 60101
Property Number: 219520152
Fed Reg Date: 10/13/95
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only.

Bldg. 60100
Property Number: 219520153
Fed Reg Date: 10/13/95
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 64 sq. ft., metal structure, most recent use—sentry station, off-site use only.

Bldg. 60103
Property Number: 219520154
Fed Reg Date: 10/13/95
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only.

Bldg. 60110
Property Number: 219520155
Fed Reg Date: 10/13/95
Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldg. 60113
Property Number: 219520156
Fed Reg Date: 10/13/95

Shell Army Heliport
Ft. Rucker, AL, Co: Dale, Zip: 36362–5000
Status: Unutilized
Comment: 400 sq. ft., 1-story, most recent use—admin., off-site use only.

Arizona

Buildings

Bldg. 70117—Fort Huachuca
Property Number: 219120306
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only.

Bldg. 70118—Fort Huachuca
Property Number: 219120307
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only.

Bldg. 70119—Fort Huachuca
Property Number: 219120308
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only.

Bldg. 70120—Fort Huachuca
Property Number: 219120309
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 70225—Fort Huachuca
Property Number: 219120310
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 83006—Fort Huachuca
Property Number: 219120311
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 83007—Fort Huachuca
Property Number: 219120312
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2000 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 83008—Fort Huachuca
Property Number: 219120313
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2192 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 83015—Fort Huachuca
Property Number: 219120314
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only.

Bldg. 81001
Property Number: 219240720
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 81020
Property Number: 219240722
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 67204
Property Number: 219240723
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4332 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 66151
Property Number: 219240728
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4194 sq. ft., 2 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only.

Bldg. 72219
Property Number: 219240729
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2730 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only.

Bldg. 72220
Property Number: 219240730
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2879 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72221
Property Number: 219240731
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3736 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 67108
Property Number: 219240733
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2403 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 70226
Property Number: 219240734
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1868 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71116
Property Number: 219240735
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3470 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71215
Property Number: 219240736
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4854 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 70110
Property Number: 219240739
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2675 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70111
Property Number: 219240740
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70113
Property Number: 219240741
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70114
Property Number: 219240742
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70115
Property Number: 219240743
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70123
Property Number: 219240744
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70124
Property Number: 219240745
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70126
Property Number: 219240746
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3343 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70210
Property Number: 219240747
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3258 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70211
Property Number: 219240748
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2966 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70221
Property Number: 219240749
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2526 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70222
Property Number: 219240750
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1627 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71214
Property Number: 219240751
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82013
Property Number: 219240752
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 90327
Property Number: 219240753
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71213
Property Number: 219240754
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82007
Property Number: 219240755
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 4386 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Property Number: 219240756
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2444 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 70216, Fort Huachuca
Property Number: 219310287
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3725 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70215, Fort Huachuca
Property Number: 219310288
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3706 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70214, Fort Huachuca
Property Number: 219310289
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3142 sq. ft., 1-story wood structure, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70212, Fort Huachuca
Property Number: 219310290
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3534 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70220, Fort Huachuca
Property Number: 219310291
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 1249 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70218, Fort Huachuca
Property Number: 219310292
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 3475 sq. ft., 1-story wood, presence of asbestos, most recent use—classroom, off-site use only.

Bldg. 70217, Fort Huachuca
Property Number: 219310293
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 304 sq. ft., 1-story concrete block, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 80010, Fort Huachuca
Property Number: 219310294
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2318 sq. ft., 1-story wood, presence of asbestos, most recent use—admin.

Bldg. 84103, Fort Huachuca
Property Number: 219310296
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess

Comment: 984 sq. ft., 1-story, presence of asbestos and lead paint, most recent use—admin.

Bldg. 67101, Fort Huachuca
Property Number: 219310297
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 2216 sq. ft., 1-story wood, presence of asbestos, and lead paint, recent most use—classroom.

Bldg. 30012, Fort Huachuca
Property Number: 219310298
Fed Reg Date: 10/13/95
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage.

Bldg. S–120
Property Number: 219320202
Fed Reg Date: 10/13/95
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9104
Status: Underutilized
Comment: 6845 sq. ft., 1-story wood frame, presence of asbestos, most recent use—bowling center, scheduled to be vacated 11/15/93.

Bldg. 67221
Property Number: 219330235
Fed Reg Date: 10/13/95
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1068 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only.

Bldg. 83102
Property Number: 219330236
Fed Reg Date: 10/13/95
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only.

Bldg. 84010
Property Number: 219330237
Fed Reg Date: 10/13/95
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85365–
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only.

Bldg. S–1005
Property Number: 219340198
Fed Reg Date: 10/13/95
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9104
Status: Unutilized
Comment: 176 sq. ft., 1-story cold storage bldg., needs repair, off-site use only.

Bldg. 67116
Property Number: 219410243
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1784 sq. ft.; 1 story; wood; most recent use—admin.; off-site use only.

Bldg. 67205
Property Number: 219410244
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only.

Bldg. 67207
Property Number: 219410245
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only.

Bldg. 67213
Property Number: 219410246
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2594 sq., ft.; 1 story; wood; most recent use—admin.; off-site use only.

Bldg. 73913
Property Number: 219410247
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 910 sq. ft.; 1 story; wood; most recent use—admin.; off-site use only.

Bldg. 80001
Property Number: 219410248
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1958 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only.

Bldg. 83027
Property Number: 219410249
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1993 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only.

Bldg. 84007
Property Number: 219410250
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2000 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only.

Bldg. 68320
Property Number: 219410251
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1531 sq. ft.; 1 story; wood; most recent use—recreation center; off-site use only.

Bldg. 30126
Property Number: 219410252
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 9324 sq. ft.; 1 story; wood; most recent use—maintenance; off-site use only.

Bldg. 84014
Property Number: 219410253
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2260 sq. ft.; 1 story; wood; most recent use—maintenance; off-site use only.

Bldg. S–106
Property Number: 219420345
Fed Reg Date: 10/13/95
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9104
Status: Unutilized
Comment: 1101 sq. ft., 1-story, cold storage bldg., needs repair.

Bldg. 67210, 67217
Property Number: 219420347
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1165 sq. ft., 1-story wood, presence of asbestos, most recent use—classroom, off-site use only.

Bldg. 80005
Property Number: 219430245
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1718 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 80006
Property Number: 219430246
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1628 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 83023
Property Number: 219430247
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 1648 sq., ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 81027
Property Number: 219430248
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2193 sq., ft., 2-story, wood frame, most recent use—admin., needs repairs, off-site use only.

Bldg. 81028
Property Number: 219430249
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2193 sq. ft., 2-story, wood frame, most recent use—admin., needs repair, off-site use only.

Bldg. 80111
Property Number: 219430250
Fed Reg Date: 10/13/95

Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Unutilized
Comment: 2032 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 503, Yuma Proving Ground
Property Number: 219520073
Fed Reg Date: 10/13/95
Yuma AZ, Co: Yuma, Zip: 85365–9104
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos.

Bldgs. 63001, 80112
Property Number: 219520157
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 1898–2000 sq. ft., 1-story, presence of asbestos & lead base paint, off-site use only.

9 Classroom Facilities
Property Number: 219520158
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: Bldgs. 67111, 67118, 67124, 67209, 81005, 81006, 81008, 83024, 84003
Status: Excess
Comment: 1044–2602 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only.

Bldg. 67214
Property Number: 219520159
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 955 sq. ft., 1-story, most recent use—rec. bldg., presence of asbestos & lead base paint, off-site use only.

2 Storage Facilities
Property Number: 219520160
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: Bldgs. 72320, 80017
Status: Excess
Comment: 2340 sq. ft., 1–2 story, presence of asbestos & lead base paint, off-site use only.

10 Admin. Facilities
Property Number: 219520161
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: Bldgs. 80025, 80027, 80028, 80102, 81002, 81009, 81102, 83025, 83026, 84008
Status: Excess
Comment: 996–2193 sq. ft., 1–2 story, presence of asbestos & lead base paint, off-site use only.

12 Admin. Facilities
Property Number: 219520162
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: Bldgs. 67110, 67114, 67115, 67121, 67122, 67226, 67228, 70122, 80008, 80009, 80013, 80024
Status: Excess
Comment: 1041–3298 sq. ft., 1-2 story, presence of asbestos & lead base paint, off-site use only.

10 Barracks
Property Number: 219520163
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Location: Bldgs. 67102–67106, 67125–67129
Status: Excess
Comment: 1352–2291 sq. ft., 2-story, presence of asbestos & lead base paint, off-site use only.

Bldgs. 51449, 73903, 73904
Property Number: 219520164
Fed Reg Date: 10/13/95
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635–
Status: Excess
Comment: 40–5300 sq. ft., 1-story, most recent use—maint. shops, presence of asbestos & lead base paint, off-site use only.

Georgia

Land

Land (Railbed)
Property Number: 219440440
Fed Reg Date: 10/13/95
Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Buildings

Bldg. 5390
Property Number: 219010137
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5362
Property Number: 219010147
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Property Number: 219010151
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Property Number: 219010152
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 4605
Property Number: 219011493
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 915 sq. ft.; buildings in poor condition, major construction needed to be made habitable.

Bldg. 4487
Property Number: 219011681
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Property Number: 219011683
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Property Number: 219011694
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Property Number: 219011704
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Property Number: 219011709
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflamable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Property Number: 219011710
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 5276
Property Number: 219012376
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 1235

Property Number: 219014887
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1-story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Property Number: 219014888
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9367 sq. ft.; 1-story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Property Number: 219014889
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 18385 sq. ft.; 1-story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 4491
Property Number: 219014916
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 18240 sq. ft.; 1-story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4633
Property Number: 219014919
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 5069 sq. ft.; 1-story building; needs rehab; most recent use—Training Building.

Bldg. 4649
Property Number: 219014922
Fed Reg Date: 10/13/95
Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2250 sq. ft.; 1-story building; needs rehab; most recent use—Headquarters Building.

Bldg. 2150
Property Number: 219120258
Fed Reg Date: 10/13/95
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3909 sq. ft., 1-story, needs rehab, most recent use—general inst. bldg.

Bldg. 2409
Property Number: 219120263
Fed Reg Date: 10/13/95
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9348 sq. ft., 1-story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2590
Property Number: 219120265
Fed Reg Date: 10/13/95
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3132 sq. ft., 1-story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3828
Property Number: 219120266
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldg. 3086, Fort Benning
Property Number: 219220688
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks. needs major rehab, off-site removal only.

Bldg. 3089, Fort Benning
Property Number: 219220689
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3092, Fort Benning
Property Number: 219220690
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 1252, Fort Benning
Property Number: 219220694
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1678, Fort Benning
Property Number: 219220697
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9342 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1733, Fort Benning
Property Number: 219220698
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3083, Fort Benning
Property Number: 219220699
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856, Fort Benning
Property Number: 219220703
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Property Number: 219220707
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 4963, Fort Benning
Property Number: 219220710
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, needs repairs, off-site removal only.

Bldg. 2396, Fort Benning
Property Number: 219220712
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3085, Fort Benning
Property Number: 219220715
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 2537, Fort Benning
Property Number: 219220726
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 820 sq. ft., 1 story, most recent use—storage, needs major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Property Number: 219220727
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Property Number: 219220728
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repairs, off-site removal only.

Bldg. 5396, Fort Benning
Property Number: 219220734
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Property Number: 219220735
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldg. 4977, Fort Benning
Property Number: 219220736
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, needs repairs, off-site removal only.

Bldg. 4978, Fort Benning
Property Number: 219220737
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, needs repairs, off-site removal only.

Bldg. 4944, Fort Benning
Property Number: 219220747
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs repairs, off-site removal only.

Bldg. 4960, Fort Benning
Property Number: 219220752
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Property Number: 219220753
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1758, Fort Benning
Property Number: 219220755
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1680, Fort Benning
Property Number: 219220756
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9243 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Property Number: 219220758
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 4884, Fort Benning
Property Number: 219220762
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 4964, Fort Benning
Property Number: 219220763
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 4966, Fort Benning
Property Number: 219220764
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., needs repairs, off-site removal only.

Bldg. 4679, Fort Benning
Property Number: 219220767
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Property Number: 219220768
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 4965, Fort Benning
Property Number: 219220769
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 2513, Fort Benning
Property Number: 219220770
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2526, Fort Benning
Property Number: 219220771
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Property Number: 219220772
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only.

Bldg. 4976, Fort Benning
Property Number: 219220778
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—gas station, needs repairs, off-site removal only.

Bldg. 4945, Fort Benning
Property Number: 219220779
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 220 sq ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Property Number: 219220780
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4627, Fort Benning
Property Number: 219220786
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only.

Bldg. 4114, Fort Benning
Property Number: 219310407
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4117, Fort Benning
Property Number: 219310408
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4118, Fort Benning
Property Number: 219310409
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4125, Fort Benning
Property Number: 219310410
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4126, Fort Benning
Property Number: 219310411
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4129, Fort Benning
Property Number: 219310412
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4130, Fort Benning
Property Number: 219310413
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized

Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4137, Fort Benning
Property Number: 219310414
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4138, Fort Benning
Property Number: 219310415
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4140, Fort Benning
Property Number: 219310416
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4002, Fort Benning
Property Number: 219310417
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4004, Fort Benning
Property Number: 219310418
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4008, Fort Benning
Property Number: 219310419
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4009, Fort Benning
Property Number: 219310420
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4010, Fort Benning
Property Number: 219310421
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4012, Fort Benning
Property Number: 219310422
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4015, Fort Benning
Property Number: 219310423
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4020, Fort Benning
Property Number: 219310424
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4106, Fort Benning
Property Number: 219310425
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4115, Fort Benning
Property Number: 219310426
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4116, Fort Benning
Property Number: 219310427
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4127, Fort Benning
Property Number: 219310428
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4128, Fort Benning
Property Number: 219310429
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4139, Fort Benning
Property Number: 219310430
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4149, Fort Benning
Property Number: 219310431
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4150, Fort Benning
Property Number: 219310432
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4017, Fort Benning
Property Number: 219310435
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 7700 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4112, Fort Benning
Property Number: 219310436
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4119, Fort Benning
Property Number: 219310437
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4124, Fort Benning
Property Number: 219310438
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4141, Fort Benning
Property Number: 219310439
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4136, Fort Benning
Property Number: 219310440
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4131, Fort Benning
Property Number: 219310441
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4108, Fort Benning
Property Number: 219310442
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1171 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 1835, Fort Benning
Property Number: 219310443
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–

Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4013, Fort Benning
Property Number: 219310444
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1884 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4007, Fort Benning
Property Number: 219310445
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1884 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4107, Fort Benning
Property Number: 219310446
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 3072, Fort Benning
Property Number: 219310447
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4001, Fort Benning
Property Number: 219310448
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4103, Fort Benning
Property Number: 219310449
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4019, Fort Benning
Property Number: 219310451
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4018, Fort Benning
Property Number: 219310452
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4109, Fort Benning
Property Number: 219310455
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2253 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4014, Fort Benning
Property Number: 219310456
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2794 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4006, Fort Benning
Property Number: 219310457
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3023 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4135, Fort Benning
Property Number: 219310458
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4123, Fort Benning
Property Number: 219310459
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4111, Fort Benning
Property Number: 219310460
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4023, Fort Benning
Property Number: 219310461
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4024, Fort Benning
Property Number: 219310462
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4040, Fort Benning
Property Number: 219310463
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1815 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 4026, Fort Benning
Property Number: 219310464
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2330 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 4067, Fort Benning
Property Number: 219310465
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 4025, Fort Benning
Property Number: 219310466
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—admin. off-site use only.

Bldg. 4110, Fort Benning
Property Number: 219310467
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4122, Fort Benning
Property Number: 219310468
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4134, Fort Benning
Property Number: 219310469
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4021, Fort Benning
Property Number: 219310470
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4113, Fort Benning
Property Number: 219310473
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 10304, Fort Benning
Property Number: 219310475
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1040 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 10847, Fort Benning
Property Number: 219310476
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 10768, Fort Benning
Property Number: 219310477
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized

Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 2683, Fort Benning
Property Number: 219310478
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 2504, Fort Benning
Property Number: 219310479
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 729 sq. ft., 1-story, needs rehab, most recent use—snack bar, off-site use only.

Bldg. 4121, Fort Benning
Property Number: 219310487
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4133, Fort Benning
Property Number: 219310488
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4143, Fort Benning
Property Number: 219310489
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4105, Fort Benning
Property Number: 219310490
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4005, Fort Benning
Property Number: 219310491
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 26306, Fort Gordon
Property Number: 219320225
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1272 sq. ft., 1 story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage.

Bldg. 33436, Fort Gordon
Property Number: 219320228
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2632 sq. ft., 1 story wood frame, presence of asbestos, need repairs, off-site use only, most recent use—offices.

Bldg. 33438, Fort Gordon
Property Number: 219320229
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2668 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—storage.

Bldg. 26301, Fort Gordon
Property Number: 219320234
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2788 sq. ft., 1 story wood frame, presence of asbestos, needs roof repairs, off-site use only, most recent use—storage.

Bldg. 354, Fort Gordon
Property Number: 219330259
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 355, Fort Gordon
Property Number: 219330260
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 356, Fort Gordon
Property Number: 219330261
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off0-site use only.

Bldg. 376, Fort Gordon
Property Number: 219330262
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only.

Bldg. 377, Fort Gordon
Property Number: 219330263
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4768 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 18704, Fort Gordon
Property Number: 219330265
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 19601, Fort Gordon
Property Number: 219330268
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 19602, Fort Gordon
Property Number: 219330269
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 25103, Fort Gordon
Property Number: 219330271
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2100 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only.

Bldg. 25105, Fort Gordon
Property Number: 219330272
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1025 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only.

Bldg. 25503, Fort Gordon
Property Number: 219330273
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 6816 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 34502, Fort Gordon
Property Number: 219330276
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 7036 sq. ft., 2-story wood, needs rehab, most recent use—offices, off-site use only.

Bldg. 35503, Fort Gordon
Property Number: 219330277
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2500 sq. ft., 1-story wood, needs rehab, most recent use— oofices, off-site use only.

Bldg. 37505, Fort Gordon
Property Number: 219330278
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 17370 sq. ft., 2-story wood, needs rehab, possible asbestos, most recent use—offices, off-site use only.

Bldg. 18718, Fort Gordon
Property Number: 219330282
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2468 sq. ft., 1-story wood, presence of asbesos, most recent use—classrooms, off-site use only.

Bldg. 18720, Fort Gordon
Property Number: 219330283
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2632 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only.

Bldg. 332, Fort Gordon
Property Number: 219330289
Fed Reg Date: 10/13/95

Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 333, Fort Gordon
Property Number: 219330290
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 334, Fort Gordon
Property Number: 219330291
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4279 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—medical admin., off-site use only.

Bldg. 335, Fort Gordon
Property Number: 219330292
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 4300 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 353, Fort Gordon
Property Number: 219330293
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 5157 sq. ft., 1-story wood, presence of asbestos, most recent use—laboratory, off-site use only.

Bldg. 352, Fort Gordon
Property Number: 219330294
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only.

Bldg. 10501
Property Number: 219410264
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2516 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only.

Bldg. 10601
Property Number: 219410265
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1334 sq. ft.; 1 story; wood; most recent use—office; off-site use only.

Bldg. 20303
Property Number: 219410266
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2376 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only.

Bldg. 41504
Property Number: 219410267
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2516 sq. ft.; 1 story; wood; needs rehab.; most recent use—store; off-site use only.

Bldg. 11813
Property Number: 219410269
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only.

Bldg. 21314
Property Number: 219410270
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only.

Bldg. 951
Property Number: 219410271
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 17,825 sq. ft.; 1 story; wood; needs rehab.; most recent use—workshop; off-site use only.

Bldg. 12809
Property Number: 219410272
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab., most recent use—maintenance shop; off-site use only.

Bldg. 10306
Property Number: 219410273
Fed Reg Date: 10/13/95
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only.

Bldg. P–8582
Property Number: 219420355
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 5892 sq. ft., 2-story, steel, needs major repairs, most recent use—radar tower, off-site use only.

Bldg. T–723
Property Number: 219440403
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 9190 sq. ft., 1-story wood frame, needs rehab, most recent use—storage, off-site use only.

Bldg. T–121
Property Number: 219440404
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 1842 sq. ft., 1-story wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. T154
Property Number: 219440405
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only.

Bldg. T155
Property Number: 219440406
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only.

Bldg. T284
Property Number: 219440407
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 960 sq. ft., 1-story metal frame, needs rehab, most recent use—gen. storehouse, off-site use only.

Bldg. T8041
Property Number: 219440411
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, needs rehab, most recent use—storehouse, off-site use only.

Bldg. T9591
Property Number: 219440412
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Comment: 11462 sq. ft., 1-story wood frame, needs rehab, most recent use—theater w/ dressing room, off-site use only.

Bldg. T–305, Fort Stewart
Property Number: 219510103
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Excess
Comment: 2340 sq. ft., 1-story, most recent use—hosp. clinic, needs rehab, off-site use only.

Bldg. T–312, Fort Stewart
Property Number: 219510104
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Excess
Comment: 3813 sq. ft., 1-story, most recent use—trg. aids center, needs rehab, off-site use only.

Bldg. T–1137, Fort Stewart
Property Number: 219510105
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Excess
Comment: 77 sq. ft., 1-story, most recent use—dispatch bldg., needs rehab, off-site use only.

Bldg. T–1414
Property Number: 219510106
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Excess
Comment: 2000 sq. ft. 1-story, most recent use—office, needs rehab, off-site use only.

Bldg. 2813, Ft. Benning
Property Number: 219520074
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—admin., needs major repair, off-site use only.

Bldg. 5982, Ft. Benning
Property Number: 219520075
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 535 sq. ft., 1-story, most recent use—admin., needs major repair, off-site use only.

Bldg. 401
Property Number: 219520076
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 5167 sq. ft., 1-story, needs major repair, most recent use—office, off-site use only.

Bldg. T–901
Property Number: 219520077
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only.

Bldg. T–902
Property Number: 219520078
Fed Reg Date: 10/13/95
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409–
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only.

Bldg. 33605, Fort Gordon
Property Number: 219520079
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 10864 sq. ft., 2-story, needs repair, presence of asbestos & lead paint, most recent use—office, off-site use only.

Bldg. 51202, Fort Gordon
Property Number: 219520080
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 1555 sq. ft., 1-story, needs repair, presence of lead paint, most recent use—office, off-site use only.

Bldg. 91401, Fort Gordon
Property Number: 219520081
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2132 sq. ft., 1-story, needs repair, presence of asbestos & lead paint, most recent use—office, off-site use only.

Bldgs. 61401 and 91501
Property Number: 219520132
Fed Reg Date: 10/13/95
Fort Gordon
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 7036 sq. ft., 2-story, needs rehab, presence of asbestos & lead base paint, most recent use—barracks, off-site use only.

Bldg. 2814, Fort Benning
Property Number: 219520133
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only.

Bldg. 5002, Fort Benning
Property Number: 219520134
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 5310 sq. ft., 2-story, most recent use—barracks, needs major repair, off-site use only.

Bldg. 5007, Fort Benning
Property Number: 219520135
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 5310 sq. ft., 2-story, most recent use—barracks, needs major repair, off-site use only.

Bldg. 90, Fort Benning
Property Number: 219520165
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 25065 sq. ft., 1-story, needs rehab, most recent use—theater, off-site use only.

Bldg. 227, Fort Benning
Property Number: 219520166
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 14019 sq. ft., 2-story, needs rehab, most recent use—NCO club, off-site use only.

Bldg. 1690, Fort Benning
Property Number: 219520167
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 13601 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only.

Bldg. 1692, Fort Benning
Property Number: 219520168
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 13601 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only.

Bldg. 1693, Fort Benning
Property Number: 219520169
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 13195 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only.

Bldg. 1755, Fort Benning
Property Number: 219520170
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 3142 sq. ft., needs rehab, most recent use—maint. shop, off-site use only.

Bldg. 2398, Fort Benning
Property Number: 219520171
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 6077 sq. ft., needs rehab, most recent use—maint. shop, off-site use only.

Bldg. 2399, Fort Benning
Property Number: 219520172
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 3936 sq. ft., needs rehab, most recent use—maint. shop, off-site use only.

Bldg. 3802, Fort Benning
Property Number: 219520173
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 30905–
Status: Unutilized
Comment: 3362 sq. ft., 1-story, needs rehab, most recent use—chapel, off-site use only.

Bldg 4011, Fort Benning
Property Number: 219520174
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1030 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only

Bldg 4051, Fort Benning
Property Number: 219520175
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg 4495, Fort Benning
Property Number: 219520176
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4367 sq. ft., 1-story, needs rehab, most use—training, off-site use—training, off-site use only

Bldg 4496, Fort Benning
Property Number: 219520177
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 4367 sq. ft., 1-story, needs rehab, most use—training, off-site use only

Bldg 4635, Fort Benning
Property Number: 219520178
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 2284 sq. ft., 1-story, needs rehab, off-site use only

Bldg 4762, Fort Benning
Property Number: 219520179
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg 5075, Fort Benning
Property Number: 219520180
Fed Reg Date: 10/13/95

Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg 5076, Fort Benning
Property Number: 219520181
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg 11301, Fort Benning
Property Number: 219520182
Fed Reg Date: 10/13/95
Ft. Benning, GA, Co: Muscogee, Zip: 31905–
Status: Unutilized
Comment: 1068 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg A1401, Fort Gordon
Property Number: 219520183
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 3428 sq. ft., 1-story, needs rehab, presence of asbestos & lead base paint, off-site use only

Bldg A1618, Fort Gordon
Property Number: 219520184
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2800 sq. ft., 1-story, needs rehab, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Bldg 61404, Fort Gordon
Property Number: 219520185
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 3428 sq. ft., 1-story, most recent use—maint. shop, needs rehab, presence of asbestos & lead base paint, off-site use only

Bldg 91704, Fort Gordon
Property Number: 219520186
Fed Reg Date: 10/13/95
Ft. Gordon, GA, Co: Richmond, Zip: 30905–
Status: Unutilized
Comment: 2788 sq. ft., 1-story, most recent use—vehicle maint., needs rehab, presence of asbestos & lead base paint, off-site use only

Hawaii

Buildings

P–88
Property Number: 219030324
Fed Reg Date: 10/13/95
Project Name: Aliamanu Military Reservation
Aliamanu Military Reservation
Honolulu, HI, Co: Honolulu, Zip: 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. 302
Property Number: 219320236
Fed Reg Date: 10/13/95
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96818–
Status: Unutilized
Comment: 39 sq. ft., most recent use—sentry station, off-site use only

Facility T–119
Property Number: 219430252
Fed Reg Date: 10/13/95
Fort Shafter
Honolulu, HI, Zip: 96819–
Status: Unutilized
Comment: 10205 sq. ft., wood structure, some termite damage, most recent use—above ground swimming pool, off-site use only

Bldg. S–108
Property Number: 219510101
Fed Reg Date: 10/13/95
Helemano Military Reservation
Wahiawa, HI, Zip: 96786–
Status: Excess
Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—fire station, off-site use only

Bldg. S–107
Property Number: 219510102
Fed Reg Date: 10/13/95
Helemano Military Reservation
Wahiawa, HI, Zip: 96786–
Status: Excess
Comment: 2000 sq. ft., 1-story, most recent use—office, off-site use only

Bldg. S–823
Property Number: 219520082
Fed Reg Date: 10/13/95
Wheeler Army Airfield
Wahiawa, HI, Zip: 96786–
Status: Unutilized
Comment: 3150 sq. ft., 2-story wood frame, most recent use—office, off-site use only

Bldg. 198, Fort DeRussy
Property Number: 219520083
Fed Reg Date: 10/13/95
Honolulu, HI, Zip: 96815–
Unutilized
Comment: 19087 sq. ft., 1-story concrete, most recent use—office, off-site use only

Bldg. 199, Fort DeRussy
Property Number: 219520187
Fed Reg Date: 10/13/95
Honolulu, HI, Zip: 96815–
Status: Unutilized
Comment: 2400 sq. ft., 1-story, most recent use—training, off-site use only

Iowa

Buildings

U.S. Army Reserve Center
Property Number: 219430253
Fed Reg Date: 10/13/95
705 E. Taylor Street
Creston, IA, Co: Adams, Zip: 50801–4040
Status: Unutilized
Comment: 6500 sq. ft., 1-story structure on 2 acres, most recent use—office/storage/training

Illinois

Buildings

WARD Army Reserve Center
Property Number: 219430254
Fed Reg Date: 10/13/95
1429 Northmoor Road
Peoria, IL, Co: Peoria, Zip: 61614–3498
Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq. ft., reserve center & warehouse, presence of asbestos, most recent use—office/storage/training

Stenafich Army Reserve Center
Property Number: 219430255
Fed Reg Date: 10/13/95
1600 E. Willow Road
Kankakee, IL, Co: Kankakee, Zip: 60901–2631
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle maint. shop on 3.68 acres, 5641 sq. ft., most recent use—office/storage/training, presence of asbestos

Indiana

Buildings

Bldg. 703–1C
Property Number: 219013761
Fed Reg Date: 10/13/95
Project Name: Indiana Army Ammo. Plant
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip:
Location: Gate 22 off Highway 22
Status: Underutilized
Comment: 4000 sq. ft.; 2 story brick frame; possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Property Number: 219013762
Fed Reg Date: 10/13/95
Project Name: Indiana Army Ammo. Plant
Indiana Army Ammunition Plant
End of 3rd Street
Charlestown, IN, Co: Clark, Zip:
Location: East of State Highway 62 at Gate 3
Status: Underutilized
Comment: 4040 sq. ft.; 1 story concrete block frame; possible asbestos; secured area with alternate access; most recent use—office.

Bldg. 1001 (Portion of)
Property Number: 219013763
Fed Reg Date: 10/13/95
Project Name: Indiana Army Ammo. Plant
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip:
Location: South end of 3rd Street, East of State Highway 62 at entrance gate.
Status: Underutilized
Comment: 55630 sq. ft.; 1 story concrete block; possible asbestos; secured area with alternate access; most recent use—cloth bag manufacturing.

Bldg. 2542
Property Number: 219240717
Fed Reg Date: 10/13/95
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip: 47111–
Status: Unutilized
Comment: 1954 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—heating facility.

Bldg. 2531
Property Number: 219240718
Fed Reg Date: 10/13/95
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip: 47111–
Status: Unutilized
Comment: 119746 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—storage.

Bldgs. 7215, 7216
Property Number: 219330297
Fed Reg Date: 10/13/95
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark, Zip: 47111–
Status: Unutilized

Comment: roadside shelters, no utilities, located on Indiana State Highway Right of Way

Kansas

Land

Parcel 1
Property Number: 219012333
Fed Reg Date: 10/13/95
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 14.4+ acres.

Parcel 3
Property Number: 219012336
Fed Reg Date: 10/13/95
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 261+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises.

Parcel 4
Property Number: 219012339
Fed Reg Date: 10/13/95
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area.

Parcel 6
Property Number: 219012340
Fed Reg Date: 10/13/95
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Property Number: 219012552
Fed Reg Date: 10/13/95
Project Name: Fort Leavenworth
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–5020
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Buildings

Bldg. T–2549, Fort Riley
Property Number: 219310251
Fed Reg Date: 10/13/95
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3082 sq. ft., 1-story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 166, Fort Riley
Property Number: 219410325
Fed Reg Date: 10/13/95
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District

Bldg. 184, Fort Riley
Property Number: 219430146
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district

Bldg. T–1030
Property Number: 219440413
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 19377 sq. ft., 1-story wood frame, most recent use—storage off-site use only

Bldg. T–1035
Property Number: 219440414
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 496 sq. ft., 1-story wood frame, most recent use—storage, off-site use only

Bldg. 1362
Property Number: 219440415
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 863 sq. ft., wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1457
Property Number: 219440416
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1458
Property Number: 219440417
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 863 sq. ft., wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1462
Property Number: 219440418
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1464
Property Number: 219440419
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1358
Property Number: 219440420
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1359
Property Number: 219440421
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1454
Property Number: 219440422
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1455
Property Number: 219440423
Fed Reg Date: 10/13/95
Fort Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1461
Property Number: 219440424
Fed Reg Date: 10/13/95
Fort Leavenworth
Ft. Leavenworth, KS, Co: Leavenworth, Zip: 66027–
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. T–2038, Fort Riley
Property Number: 219440443
Fed Reg Date: 10/13/95
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 1324 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2049, Fort Riley
Property Number: 219440444
Fed Reg Date: 10/13/95
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3255 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2449, Fort Riley
Property Number: 219440445
Fed Reg Date: 10/13/95
Ft. Riley, KS, Co: Geary, Zip: 66442–
Status: Unutilized
Comment: 3057 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldgs. T–2018, T–2120, T–2338
Property Number: 219510099
Fed Reg Date: 10/13/95
Fort Riley
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Comment: 3059–3278 sq. ft., 1–2 story, needs rehab, presence of asbestos, most recent use—office/storage

Bldgs. S–403, S–401
Property Number: 219510100
Fed Reg Date: 10/13/95
Fort Leavenworth
Leavenworth, KS, Zip: 66027–
Status: Excess
Comment: 2978 sq. ft., 1-story, presence of asbestos, most recent use—hosp. clinic, off-site use only

Kentucky

Buildings

Bldg. 7162
Property Number: 219410301
Fed Reg Date: 10/13/95
Fort Campbell
Fort Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 1256 sq. ft.; most recent use—storage; off-site use only

Bldg. 234
Property Number: 219430152
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 8042 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 236
Property Number: 219430153
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 238
Property Number: 219430154
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—Educ. center, off-site use only

Bldg. 240
Property Number: 219430155
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—educ. center, off-site use only

Bldgs. 242, 244
Property Number: 219430156
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—educ. center, off-site use only

Bldg. 2104
Property Number: 219430158
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 2108
Property Number: 219430161
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 3823 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 2788
Property Number: 219430167
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 1813 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 3170
Property Number: 219430172
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Comment: 2750 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—maint. shop, off-site use only

Louisiana

Land

Land—Louisiana AAP
Property Number: 219430133
Fed Reg Date: 10/13/95
Doyline, LA, Co: Webster, Zip: 71023–
Status: Underutilized
Comment: 3 acres, most recent use—excess vehicle storage, secure area with alternate access

Maryland

Buildings

Bldg. E5878
Property Number: 219012652
Fed Reg Date: 10/13/95
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 213 sq. ft.; structural deficiencies; possible abestos; and contamination.

Bldg. E5879
Property Number: 219012653
Fed Reg Date: 10/13/95
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 213 sq. ft.; possible abestos and contamination; no utilities; most recent use—igloo storage.

Bldg. 10302
Property Number: 219012666
Fed Reg Date: 10/13/95
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5975
Property Number: 219012677
Fed Reg Date: 10/13/95
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010–5425
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies; most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 6687
Property Number: 219220446
Fed Reg Date: 10/13/95
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade, MD, Co: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92.

Bldgs. 303–308, 323–328, 333–337
Property Number: 219320293
Fed Reg Date: 10/13/95
Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 4720 sq. ft. each, 2-story wood frame, possible asbestos, most recent use—barracks/classrooms, fair to good condition, off-site use only

Bldg. 309
Property Number: 219320294
Fed Reg Date: 10/13/95
25Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5115
Status: Unutilized
Comment: 2324 sq. ft., 1-story wood frame, possible asbestos, fair to good condition, off-site use only

Bldgs. 312, 319
Property Number: 219320295
Fed Reg Date: 10/13/95
Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 2594 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage fair condition, off-site use only

Bldgs. 313–314, 317–318
Property Number: 219320296

Fed Reg Date: 10/13/95
Fort George G. Meade
Ft. Meade, MD: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 1144 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage, fair to good condition, off-site use only

Bldgs. 302, 329, 332, 339
Property Number: 219320297
Fed Reg Date: 10/13/95
Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 2208 sq. ft., 1-story wood frame, possible, asbestos, most recent use—storage, fair condition, off-site use only

Bldg. E4890
Property Number: 219330434
Fed Reg Date: 10/13/95
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford, Zip: 21005–5001
Status: Unutilized
Comment: 6250 sq. ft., 1-story, needs rehab, presence of asbestos

Bldgs. 2251, 2252
Property Number: 219430180
Fed Reg Date: 10/13/95
Fort Meade
Ft. Meade, MD, Co: Anne Arundel, Zip 20755–5115
Status: Unutilized
Comment: 648 & 3594 sq. ft., 1-story, concrete/metal structure, needs rehab, presence of asbestos, most recent use—heating plant & admin.

Michigan

Buildings

Bldg. 300, Arsenal Acres
Property Number: 219220448
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 52 sq. ft. sentry station, secured area with alternate access

Bldg. 301, Arsenal Acres
Property Number: 219220449
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 3125 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 302, Arsenal Acres
Property Number: 219220450
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 303, Arsenal Acres
Property Number: 219220451
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 304, Arsenal Acres
Property Number: 219220452
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 305, Arsenal Acres
Property Number: 219220787
Fed Reg Date: 10/13/95
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 306
Property Number: 219410326
Fed Reg Date: 10/13/95
Arsenal Acres
24140 Mound Road
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area w/alternate access

Bldg. 307
Property Number: 219410327
Fed Reg Date: 10/13/95
Arsenal Acres
24140 Mound Rd.
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area w/alternate access

Bldg. 308
Property Number: 219410328
Fed Reg Date: 10/13/95
Arsenal Acres
24140 Mound Rd.
Warren, MI, Zip: 48091–
Status: Unutilized
Comment: 205 sq. ft., 1-story brick, secured area w/alternate access

Minnesota

Land

Land
Property Number: 219120269
Fed Reg Date: 10/13/95
Twin Cities Army Ammunition Plant
New Brighton, MN, Co: Ramsey, Zip: 55112–
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access.

Missouri

Buildings

Bldg. T2383
Property Number: 219230228
Fed Reg Date: 10/13/95
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 9267 sq. ft., 1-story, presence of asbestos, most recent use—general purpose facility, off-site use only

Bldg. T599
Property Number: 219230260
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T1311
Property Number: 219230261
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T427
Property Number: 219330299
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 10245 sq. ft., 1-story, presence of asbestos, most recent use—post office, off-site use only

Bldg. T2368
Property Number: 219330306
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. T3005
Property Number: 219330307
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2220 sq. ft., 1-story, presence of asbestos, most recent use—motor repair shop, off-site use only

Bldg. T2171
Property Number: 219340212
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T1258
Property Number: 219340213
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2360 sq. ft., 1-story wood frame, most recent use—warehouse, no handicap fixtures, possible asbestos, lead base paint, off-site use only

Bldg. T2312
Property Number: 219340217
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1403 sq. ft., 1-story wood frame, most recent use—paint shop, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822

Property Number: 219340219
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1363
Property Number: 219420392
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only

Bldg. T1364
Property Number: 219420393
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only

Bldg. T281
Property Number: 219420397
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4230 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T282
Property Number: 219420398
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 15923 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T283
Property Number: 219420431
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 6163 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T407
Property Number: 219420432
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2265 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T408
Property Number: 219420433
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T409
Property Number: 219420434
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2450 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T410
Property Number: 219420435
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2664 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T411
Property Number: 219420436
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T412
Property Number: 219420437
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T415
Property Number: 219420438
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T429
Property Number: 219420439
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T1100
Property Number: 219420440
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 3236 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T1497
Property Number: 219420441
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2138
Property Number: 219420445
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 1676 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Property Number: 219420446
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2143
Property Number: 219440324
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2144
Property Number: 219440325
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2158
Property Number: 219440326
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2173
Property Number: 219440330
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2189
Property Number: 219440332

Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2191
Property Number: 219440334
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Property Number: 219440335
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–5000
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–403
Property Number: 219510107
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 5818 sq. ft., 1 story wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–460
Property Number: 219510108
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 5428 sq. ft., 1 story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–464
Property Number: 219510109
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 5310 sq. ft., 2 story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–590
Property Number: 219510110
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–1246
Property Number: 219510111
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 1144 sq. ft., 1 story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–1362
Property Number: 219510112
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 2360 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–1907
Property Number: 219510113
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 7670 sq. ft., 2-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–1908
Property Number: 219510114
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 2284 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–2385
Property Number: 219510115
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–3007
Property Number: 219510116
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–3008
Property Number: 219510117
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–3010
Property Number: 219510118
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T–3011
Property Number: 219510119
Fed Reg Date: 10/13/95
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473–
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Montana

Land

U.S. Army Reserve Center
Property Number: 219420009
Fed Reg Date: 10/13/95
Marcella Avenue
Lewistown, MT, Co: Fergus, Zip:
Status: Unutilized
Comment: 4.16 acres of bare land

Buildings

USARC Bozeman Reserve Center
Property Number: 219420391
Fed Reg Date: 10/13/95
Bozeman, MT, Co: Gallatin, Zip:
Status: Unutilized
Comment: 15236 sq. ft., 3-story reserve center on .54 acres, bldg. on National Register of Historic Places, secured with alternate access

New Jersey

Buildings

Bldg. 421, Fort Monmouth
Property Number: 219330435
Fed Reg Date: 10/13/95
Ft. Monmouth, NJ, Co: Monmouth, Zip: 07703–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, most recent use—office

Bldg. 2529, Fort Monmouth
Property Number: 219330436
Fed Reg Date: 10/13/95
Charles Wood Area
Ft. Monmouth, NJ, Co: Monmouth, Zip: 07703–
Status: Unutilized
Comment: 4413 sq. ft., 2-story, needs rehab, most recent use—admin.

Bldg. 197
Property Number: 219440442
Fed Reg Date: 10/13/95
Fort Monmouth
Ft. Monmouth, NJ, Co: Monmouth, Zip: 07703–
Status: Unutilized
Comment: 1240 sq. ft., 1 story, most recent use—motor repair shop

New Mexico

Buildings

Bldg. 108
Property Number: 219330327
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 109
Property Number: 219330328
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 117
Property Number: 219330329
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1688 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 118
Property Number: 219330330
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 119
Property Number: 219330331
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 148
Property Number: 219330332
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 149
Property Number: 219330333
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 150
Property Number: 219330334
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3750 sq. ft., 2-story, presence of asbestos, most use—admin., off-site use only.

Bldg. 357
Property Number: 219330335
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 1758
Property Number: 219330336
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1620 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 1768
Property Number: 219330337
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 15,333 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 28281
Property Number: 219330338
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1856 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 28282
Property Number: 219330339
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1850 sq. ft., 3-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 32980
Property Number: 219330340
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 34252
Property Number: 219330341
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 418
Property Number: 219330342
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 3690 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 420
Property Number: 219330343
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 2407 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 890
Property Number: 219330344
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 9011 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 1348
Property Number: 219330345
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 1738
Property Number: 219330346
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 1765
Property Number: 219330347
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 600 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 21542
Property Number: 219330348
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 945 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 22118
Property Number: 219330349
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1341 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 22253

Property Number: 219330350
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 216 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 28267
Property Number: 219330351
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 29195
Property Number: 219330352
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 34219
Property Number: 219330353
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 34221
Property Number: 219330354
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 145
Property Number: 219330355
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 2954 sq. ft., 1-story, presence of asbestos, most recent use—chapel, off-site use only.

Bldg. 1754
Property Number: 219330356
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 6974 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only.

Bldg. 19242
Property Number: 219330357
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only.

Bldg. 34227
Property Number: 219330358
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintencnace shop, off-site use only.

Bldg. 34244
Property Number: 219330359
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most reent use—maintenance shop., off-site use only.

Bldg. 21105
Property Number: 219330360
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 239 sq. ft., presence of asbestos, most recent use—veterinarian facility, off-site use only.

Bldg. 21106
Property Number: 219330361
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 405 sq. ft., 1-story, presence of asbestos, most recent use—veterinarian facility, off-site use only.

Bldg. 21310
Property Number: 219330362
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1006 sq. ft., 1-story, presence of asbestos, most recent use—transmitter bldg., off-site use only.

Bldg. 29890
Property Number: 219330363
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—frequency monitoring station, off-site use only.

Bldg. 1868
Property Number: 219330364
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 41 sq. ft., 1-story, presence of asbestos, most recent use—scale house, off-site use only.

Bldg. 528
Property Number: 219330365
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 225 sq. ft., 1-story, presence of asbestos, most recent use—decontamination shelter, off-site use only.

Bldg. 1834
Property Number: 219330366
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only.

Bldg. 1300
Property Number: 219330367
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—indoor small arms range, off-site use only.

Bldg. 23100
Property Number: 219330368
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 40 sq. ft., 1-story, presence of asbestos, most recent use—sentry station, off-site use only.

Bldg. 29196
Property Number: 219330369
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg., off-site use only.

Bldg. 30774
Property Number: 219330370
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only.

Bldg. 33136
Property Number: 219330371
Fed Reg Date: 10/13/95
White Sands Missile Range
White Sand, NM, Co: Dona Ana, Zip: 88002–
Status: Unutilized
Comment: 18 sq. ft., off-site use only.

Nevada

Land

Parcel A
Property Number: 219012049
Fed Reg Date: 10/13/95
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–

Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Property Number: 219012056
Fed Reg Date: 10/13/95
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Status: Unutilized
Comment: 1920 acres; road and utility easements, no utility hookup; possible flooding problem.

Parcel C
Property Number: 219012057
Fed Reg Date: 10/13/95
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Property Number: 219012058
Fed Reg Date: 10/13/95
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral, Zip: 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

Buildings

Bldgs. 00425–00449
Property Number: 219011946
Fed Reg Date: 10/13/95
Project Name: Hawthorne Army Ammo. Plant
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral, Zip: 89415–
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

New York

Land

Galeville Army Training Site
Property Number: 219510128
Fed Reg Date: 10/13/95
Shawangunk, NY, Co: Ulster, Zip: 12589–
Status: Underutilized
Comment: 621.05 acres, improved w/inactive runway, airfield & taxiway, potential utilities, 234 acres is wetlands and habitat for threatened species.

Buildings

Bldg. 323
Property Number: 219012567
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
Story Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use-barracks & mess facility, needs major rehab.

Bldg. 304
Property Number: 219012570
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
Shore Road
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 9610 sq. ft., 3 floors, most recent use-hospital, needs major rehab/utilities disconnected.

Bldg. 211
Property Number: 219012573
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
211 Totten Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6329 sq. ft., 3 floors, most recent use-family housing, needs major rehab, utilities disconnected.

Bldg. 332
Property Number: 219012578
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
Theater Road
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6288 sq. ft., 1 floor, most recent use-theater w/stage, needs major rehab, utilities disconnected.

Bldg. 322
Property Number: 219012583
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
322 Story Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use-barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Property Number: 219012586
Fed Reg Date: 10/13/95
Project Name: Fort Totten
Fort Totten
326 Pratt Avenue
Bayside, NY, Co: Queens, Zip: 11359–
Status: Underutilized
Comment: 6000 sq. ft., 2 floors, most recent use-storage, offices & residential, utilities disconnected/needs rehab.

Bldg. 100, Fort Hamilton
Property Number: 219340254
Fed Reg Date: 10/13/95
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Unutilized
Comment: 155 sq. ft., 1-story, most recent use—storage.

Bldg. 200, Fort Hamilton
Property Number: 219340255
Fed Reg Date: 10/13/95
Bellmore, NY, Co: Nassau, Zip: 11701–
Status: Unutilized
Comment: 12000 sq. ft., 1-story, most recent use—office.

Bldg. 300, Fort Hamilton
Property Number: 219340256
Fed Reg Date: 10/13/95
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Underutilized
Comment: 11000 sq. ft., 1-story, most recent use—reserve center.

Bldg. 900, Fort Hamilton
Property Number: 219430259
Fed Reg Date: 10/13/95
Bellmore, NY, Co: Nassau, Zip: 11710–
Status: Underutilized
Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage.

Bldg. P–2012, Fort Drum
Property Number: 219440429
Fed Reg Date: 10/13/95
Ft. Drum, NY, Co: Jefferson, Zip: 13602–
Status: Unutilized
Comment: 450 sq. ft., most recent use—water distribution bldg., off-site use only.

Bldg. T–2420, Fort Drum
Property Number: 219440431
Fed Reg Date: 10/13/95
Ft. Drum, NY, Co: Jefferson, Zip: 13602–
Status: Unutilized
Comment: 4340 sq. ft., 1-story, most recent use—warehouse, needs rehab, off-site use only.

Bldg. 134
Property Number: 219520122
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 8280 GSF, 2-story, 4-family dwelling unit, presence of asbestos, off-site use only.

Bldg. 136
Property Number: 219520123
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 9340 GSF, 3-story, 4-family dwelling unit, presence of asbestos, off-site use only.

Bldg. 138
Property Number: 219520124
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 2762 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. 139
Property Number: 219520125
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 6260 GSF, 1-story, 3-family dwelling unit, presence of asbestos, off-site use only.

Bldg. 142
Property Number: 219520126
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 6708 GSF, 3-story, 2-family dwelling unit, presence of asbestos, off-site use only.

Bldg. 1266
Property Number: 219520127
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 3504 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. 1404
Property Number: 219520128
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 1986 GSF, 3-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. 1656
Property Number: 219520129
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 1736 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. 1666
Property Number: 219520130
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 1752 GSF, 1-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. 1970
Property Number: 219520131
Fed Reg Date: 10/13/95
West Point Army Family Housing
West Point, NY, Co: Orange, Zip: 10996–
Status: Excess
Comment: 2939 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only.

Bldg. T–601, Fort Drum
Property Number: 219520193
Fed Reg Date: 10/13/95
Ft. Drum, NY, Co: Jefferson, Zip: 13602–
Status: Unutilized
Comment: 2305 sq. ft., 1-story, needs rehab, most recent use—NCO club, off-site use only

Ohio

Land

5 acres
Property Number: 219320313
Fed Reg Date: 10/13/95
Doan U.S. Army Reserve Center
Portmonth, OH, Co: Scioto, Zip: 45662–
Status: Unutilized
Comment: 5 acres including paved roads, parking, sidewalks, etc.

3 acres
Property Number: 219320316
Fed Reg Date: 10/13/95
Hayes U.S. Army Reserve Center
Fremont, OH, Co: Sandusky, Zip: 43420–
Status: Unutilized
Comment: 3 acres including paved roads, parking, sidewalks, etc.

Buildings

15 Units
Property Number: 219230354
Fed Reg Date: 10/13/95
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom 8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only.

7 Units
Property Number: 219230355
Fed Reg Date: 10/13/95
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266–9297
Status: Excess
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only.

Bldg. P–3
Property Number: 219320311
Fed Reg Date: 10/13/95
Doan U.S. Army Reserve Center
Portmonth, OH, Co: Scioto, Zip: 45662–
Status: Unutilized
Comment: 10752 sq. ft., 1-story brick, most recent use—office, possible asbestos.

Bldg. P–4
Property Number: 219320312
Fed Reg Date: 10/13/95
Doan U.S. Army Reserve Center
Portsmonth, OH, Co: Scioto, Zip: 45662–
Status: Unutilized
Comment: 2508 sq. ft., 1-story brick, most recent use—vehicle maint. shop.

Bldg. P–2
Property Number: 219320314
Fed Reg Date: 10/13/95
Hayes U.S. Army Reserve Center
Freemont, OH, Co: Sandusky, Zip: 43420–
Status: Unutilized
Comment: 3956 sq. ft., 1-story brick, most recent use—office, possible asbestos.

Bldg. P–3
Property Number: 219320315
Fed Reg Date: 10/13/95
Hayes U.S. Army Reserve Center
Freemont, OH, Co: Sandusky, Zip: 43420–
Status: Unutilized
Comment: 1259 sq. ft., 1-story brick, most recent use—vehicle maint. shop, possible asbestos.

Oklahoma

Buildings

Bldg. T–2545
Property Number: 219011255
Fed Reg Date: 10/13/95
Project Name: Fort Sill
Fort Sill
2545 Sheridan Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1994 sq. ft.; asbestos; wood frame; 2 floors; No operating sanitary facilities; most recent use—enl. barracks basic.

Bldg. T–2606
Property Number: 219011273
Fed Reg Date: 10/13/95
Project Name: Fort Sill
Fort Sill
2606 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–3507
Property Number: 219011315
Fed Reg Date: 10/13/95
Project Name: Fort Sill
Fort Sill
3507 Sheridan Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel.

Bldg. T–4919
Property Number: 219014842
Fed Reg Date: 10/13/95
Project Name: Fort Sill
Fort Sill
4919 Post Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4523
Property Number: 219014933
Fed Reg Date: 10/13/95
Project Name: Fort Sill
Fort Sill
4523 Wilson Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 1639 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—storage.

Bldg. T–838, Fort Sill
Property Number: 219220609
Fed Reg Date: 10/13/95
838 Macomb Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–2702, Fort Sill
Property Number: 219240655
Fed Reg Date: 10/13/95
2702 Thomas Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5520 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin.

Bldg. T–3311, Fort Sill
Property Number: 219240656
Fed Reg Date: 10/13/95
3311 Naylor Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1468 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin.

Bldg. T–954, Fort Sill
Property Number: 219240659
Fed Reg Date: 10/13/95
954 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–1050, Fort Sill
Property Number: 219240660
Fed Reg Date: 10/13/95

1050 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–1051, Fort Sill
Property Number: 219240661
Fed Reg Date: 10/13/95
1051 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–2703, Fort Sill
Property Number: 219240667
Fed Reg Date: 10/13/95
2703 Thomas Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2704, Fort Sill
Property Number: 219240668
Fed Reg Date: 10/13/95
2704 Thomas Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2740, Fort Sill
Property Number: 219240669
Fed Reg Date: 10/13/95
2740 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2745, Fort Sill
Property Number: 219240670
Fed Reg Date: 10/13/95
2745 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8288 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2633, Fort Sill
Property Number: 219240672
Fed Reg Date: 10/13/95
2633 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 19455 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—enlisted mess.

Bldg. T–2701, Fort Sill
Property Number: 219240673
Fed Reg Date: 10/13/95
2701 Thomas Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T–2907, Fort Sill
Property Number: 219240674
Fed Reg Date: 10/13/95
2907 Marcy Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3861 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T–2928, Fort Sill
Property Number: 219240675
Fed Reg Date: 10/13/95
2928 Custer Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2315 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T–4050, Fort Sill
Property Number: 219240676
Fed Reg Date: 10/13/95
4050 Pitman Street
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. P–3032, Fort Sill
Property Number: 219240678
Fed Reg Date: 10/13/95
3032 Haskins Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse.

Bldg. T–3325, Fort Sill
Property Number: 219240681
Fed Reg Date: 10/13/95
3325 Naylor Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T–260, Fort Sill
Property Number: 219240776
Fed Reg Date: 10/13/95
260 Corral Road
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin.

Bldg. T–5122, Fort Sill
Property Number: 219320334
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1-story wood frame, possible asbestos, off-site use only.

Bldg. P–6220, Fort Sill
Property Number: 219320335
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 848 sq. ft., 1-story metal frame, possible asbestos, most recent use—construction bldg., off-site use only.

Bldg. S–6228, Fort Sill
Property Number: 219320336
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 352 sq. ft., 1-story wood frame, possible asbestos, most recent use—range house, off-site use only.

Bldg. P–2610, Fort Sill
Property Number: 219330372
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only.

Bldg. 4722, Fort Sill
Property Number: 219330373
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3375 sq. ft., 2-story, possible asbestos, most recent use—admin., off-site use only.

Bldg. T232, Fort Sill
Property Number: 219330377
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2868 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T312, Fort Sill
Property Number: 219330379
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1970 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T1652, Fort Sill
Property Number: 219330380
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T1665, Fort Sill
Property Number: 219330381
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1305 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2034, Fort Sill
Property Number: 219330383
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 401 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2705, Fort Sill
Property Number: 219330384
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2706, Fort Sill
Property Number: 219330385
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2156 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2709, Fort Sill
Property Number: 219330388
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100

Status: Unutilized
Comment: 2112 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2756, Fort Sill
Property Number: 219330390
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T2757, Fort Sill
Property Number: 219330391
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.

Bldg. T3026, Fort Sill
Property Number: 219330392
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T3710, Fort Sill
Property Number: 219330396
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1176 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T4035, Fort Sill
Property Number: 219330401
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 867 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T4474, Fort Sill
Property Number: 219330402
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5011, Fort Sill
Property Number: 219330403
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1556 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5120, Fort Sill
Property Number: 219330405
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1471 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5124, Fort Sill
Property Number: 219330407
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1287 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5245, Fort Sill
Property Number: 219330410
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3081 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5246, Fort Sill
Property Number: 219330411
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3081 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5247, Fort Sill
Property Number: 219330412
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3081 sq. ft., possible asbestos, most recent use—storage, off-site use only.

Bldg. T5248, Fort Sill
Property Number: 219330413
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3081 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5249, Fort Sill
Property Number: 219330414
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2920 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5250, Fort Sill
Property Number: 219330415
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3257 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5251, Fort Sill
Property Number: 219330416
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3257 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5252, Fort Sill
Property Number: 219330417
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 3081 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5628, Fort Sill
Property Number: 219330418
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2016 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637, Fort Sill
Property Number: 219330419
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–282
Property Number: 219410236
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–5100
Status: Unutilized
Comment: 2420 sq. ft., 2 story; wood frame; most recent use—admin. off-site use only.

Bldg. T–268, Fort Sill
Property Number: 219440338
Fed Reg Date: 10/13/95
268 Corral Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4836 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–269, Fort Sill
Property Number: 219440339
Fed Reg Date: 10/13/95
268 Corral Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 7840 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–281, Fort Sill
Property Number: 219440340
Fed Reg Date: 10/13/95
281 Corral Road
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4836 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3720, Fort Sill
Property Number: 219440346
Fed Reg Date: 10/13/95
3720 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3723, Fort Sill
Property Number: 219440347
Fed Reg Date: 10/13/95
3723 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3724, Fort Sill
Property Number: 219440348
Fed Reg Date: 10/13/95
3724 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3725, Fort Sill
Property Number: 219440349
Fed Reg Date: 10/13/95
3725 Webster Street

Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3726, Fort Sill
Property Number: 219440350
Fed Reg Date: 10/13/95
3726 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3732, Fort Sill
Property Number: 219440352
Fed Reg Date: 10/13/95
3732 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3733, Fort Sill
Property Number: 219440353
Fed Reg Date: 10/13/95
3733 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3734, Fort Sill
Property Number: 219440354
Fed Reg Date: 10/13/95
3734 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3735, Fort Sill
Property Number: 219440355
Fed Reg Date: 10/13/95
37354 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3736, Fort Sill
Property Number: 219440356
Fed Reg Date: 10/13/95
3726 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3750, Fort Sill
Property Number: 219440358
Fed Reg Date: 10/13/95
3750 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3752, Fort Sill
Property Number: 219440359
Fed Reg Date: 10/13/95
3752 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3753, Fort Sill
Property Number: 219440360
Fed Reg Date: 10/13/95
3753 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3754, Fort Sill
Property Number: 219440361
Fed Reg Date: 10/13/95
3754 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3755, Fort Sill
Property Number: 219440362
Fed Reg Date: 10/13/95
3755 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3756, Fort Sill
Property Number: 219440363
Fed Reg Date: 10/13/95
3756 Wilson Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–3738, Fort Sill
Property Number: 219440367
Fed Reg Date: 10/13/95
3738 Webster Street
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks.

Bldg. T–5215,
Property Number: 219440376
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 2797 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—admin., off-site use only.

Bldg. T–3721,
Property Number: 219440377
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 3042 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only.

Bldg. T–3737,
Property Number: 219440378
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 2964 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only.

Bldg. T–3758,
Property Number: 219440379
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 3132 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only.

Bldg. T–5219,
Property Number: 219440381
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 2662 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—classroom, off-site use only.

Bldg. T–4226,
Property Number: 219440384
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. T–280,
Property Number: 219440387
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 7834 sq. ft., 2-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. P–1815,
Property Number: 219440388
Fed Reg Date: 10/13/95
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503–
Status: Unutilized
Comment: 14392 sq. ft., 2-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.

Bldg. P–1015, Fort Sill
Property Number: 219520197
Fed Reg Date: 10/13/95
Lawton, OK, Co: Comanche, Zip: 73501–5100
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only.

Pennsylvania

Buildings

Bldg. T–14–402
Property Number: 219420013
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 2 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–406
Property Number: 219420014
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 2 story, wood frame, needs rehab, possible asbestos/lead paint,

off-site removal only, most recent use—barracks.

Bldg. T–14–406
Property Number: 219420014
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 2 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–408
Property Number: 219420015
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 2 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–412
Property Number: 219420017
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–414
Property Number: 219420018
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–300
Property Number: 219420037
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 6445 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–302
Property Number: 219420038
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 6445 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–303
Property Number: 219420039
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3340 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–305
Property Number: 219420040
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–307
Property Number: 219420041
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–308
Property Number: 219420042
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–310
Property Number: 219420043
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3848 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–415
Property Number: 219420044
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3650 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–416
Property Number: 219420045
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4172 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–400
Property Number: 219420049
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 2242 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—enlisted personnel dining.

Bldg. T–14–217
Property Number: 219420062
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–301
Property Number: 219420063
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 9662 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–309
Property Number: 219420064
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–311
Property Number: 219420065
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–314
Property Number: 219420066
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–315
Property Number: 219420067
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3624 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–401
Property Number: 219420068
Fed Reg Date: 10/13/95

Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 782 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–403
Property Number: 219420069
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 2685 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage.

Bldg. T–14–404
Property Number: 219420070
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4247 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–405
Property Number: 219420071
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 480 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage.

Bldg. T–14–417
Property Number: 219420074
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3633 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–491
Property Number: 219420075
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3576 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–424
Property Number: 219420076
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 63 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–500
Property Number: 219420077
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 1071 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–503
Property Number: 219420078
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 5217 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–505
Property Number: 219420079
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 5217 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–507
Property Number: 219420080
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 5217 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–508
Property Number: 219420081
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 1071 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–509
Property Number: 219420082
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 2638 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–511
Property Number: 219420083
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 2638 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse).

Bldg. T–14–312
Property Number: 219420086
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3848 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–313
Property Number: 219420087
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–316
Property Number: 219420088
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft. 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–317
Property Number: 219420089
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3623 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–407
Property Number: 219420090
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3635 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–504
Property Number: 219420093
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3633 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital.

Bldg. T–14–506
Property Number: 219420094
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3633 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint,

off-site removal only, most recent use—hospital.

Bldg. T–14–304
Property Number: 219420095
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 4212 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—ADP bldg.

Bldg. T–14–306
Property Number: 219420096
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 3637 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—ADP bldg.

Bldg. T–14–421
Property Number: 219420102
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 287 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—maintenance shop.

Bldg. T–14–149
Property Number: 219420104
Fed Reg Date: 10/13/95
Fort Indiantown Gap
Fisher Avenue
Annville, PA, Co: Lebanon, Zip: 17003–5011
Status: Excess
Comment: 18045 sq. ft., 1-story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—vehicle maintenance shop.

South Carolina

Buildings

Bldg. 9608
Property Number: 219410200
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4720 sq. ft.; wood frame; 2-story; needs rehab.; off-site use only; utilities upgrade; most recent use—enlisted quarters.

Bldg. 5492
Property Number: 219410207
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 2379 sq. ft.; wood frame; 1-story; off-site use only; utilities upgrade; most recent use—information management office.

Bldg. 10–436
Property Number: 219410217
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 100 sq. ft.; wood frame; 1-story; off-site use only; limited utilities; needs rehab.; most recent use—shed.

Bldg. 2516
Property Number: 219510138
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 520 sq. ft., 1-story, wood frame, most recent use—admin., off-site use only.

Bldg. 5412
Property Number: 219510139
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. 10–714
Property Number: 219510143
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 2500 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only.

Bldg. 10–721
Property Number: 219510144
Fed Reg Date: 10/13/95
Fort Jackson
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 2512 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only.

Bldg. 10–708, Fort Jackson
Property Number: 219510148
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only.

Bldg. 10–715, Fort Jackson
Property Number: 219510149
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only.

Bldg. 10–722, Fort Jackson
Property Number: 219510150
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only.

Bldg. 10–762, Fort Jackson
Property Number: 219510156
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1108 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only.

Bldg. 10–716, Fort Jackson
Property Number: 219510160
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 10–723, Fort Jackson
Property Number: 219510161
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1008 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 9606, Fort Jackson
Property Number: 219510168
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, needs rehab, most recent use—criminal investigation bldg., off-site use only.

Bldg. 9607, Fort Jackson
Property Number: 219510169
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Excess
Comment: 4720 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–712, Fort Jackson
Property Number: 219510176
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–713, Fort Jackson
Property Number: 219510177
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–719, Fort Jackson
Property Number: 219510179
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–720, Fort Jackson
Property Number: 219510180
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–726, Fort Jackson
Property Number: 219510183
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4720 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–727, Fort Jackson
Property Number: 219510184
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized

Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg. 10–733, Fort Jackson
Property Number: 219510187
Fed Reg Date: 10/13/95
Fort Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–740, Fort Jackson
Property Number: 219510191
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 2257 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–741, Fort Jackson
Property Number: 219510192
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–747, Fort Jackson
Property Number: 219510195
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–748, Fort Jackson
Property Number: 219510196
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–754, Fort Jackson
Property Number: 219510199
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–755, Fort Jackson
Property Number: 219510200
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–761, Fort Jackson
Property Number: 219510203
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–767, Fort Jackson
Property Number: 219510205
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Bldg.10–768, Fort Jackson
Property Number: 219510206
Fed Reg Date: 10/13/95
Ft. Jackson, SC, Co: Richland, Zip: 29207–
Status: Unutilized
Comment: 4800 sq. ft., 2-story wood frame, needs rehab, most recent use—enlisted billets, off-site use only.

Tennessee

Land

Milan Army Ammunition Plant
Property Number: 219010547
Fed Reg Date: 10/13/95
Project Name: Milan Army Ammunition Plant
Milan, TN, Co: Carroll, Zip: 38358–
Location: Plant boundary in the northeast corner of the plant & housing area
Status: Excess
Comment: 17.2 acres; right of entry legal constraint.

Holston Army Ammunition Plant
Property Number: 219012338
Fed Reg Date: 10/13/95
Project Name: Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins, Zip: 61299–6000
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Land
Property Number: 219240780
Fed Reg Date: 10/13/95
Milan Army Ammunition Plant
NE corner of plant & housing area
Milan, TN, Co: Carroll, Zip: 38358–
Status: Unutilized
Comment: 17.2 acres, secured area w/ alternate access, most recent use—buffer zone.

Texas

Land

Vancant Land, Fort Sam Houston
Property Number: 219220438
Fed Reg Date: 10/13/95
All of Block 1800, Portions of Block 1900, 3100 and 3200
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 244.47 acres, 85% located in floodplain, possibility of unexploded ordnance.

Old Camp Bullis Road
Property Number: 219420461
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Campl Bullis, Tract 9
Property Number: 219420462
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1.07 acres of undeveloped land.

Buildings

Harlingen USARC
Property Number: 219120304
Fed Reg Date: 10/13/95
1920 East Washington,
Harlingen, TX, Co: Cameron, Zip: 78550–
Status: Excess
Comment: 19440 sq. ft., 1 story brick, needs rehab, with approx. 6 acres including parking areas, most recent use—Army Reserve Training Center.

Bldg. P–3824, Fort Sam Houston
Property Number: 219220398
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. 440, Fort Bliss
Property Number: 219320355
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 1651 sq. ft., 1-story brick, most recent use—education facility, off-site use only.

Bldg. 1164, Fort Bliss
Property Number: 219330420
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 2054 net sq. ft., 1 story wood, most recent use—admin. bldg., needs rehab, off-site use only.

Bldg. 512, Fort Hood
Property Number: 219330421
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Coryell, Zip: 76544–
Status: Unutilized
Comment: 6733 sq. ft., 1 story wood, most recent use—commissary, off-site use only.

Bldg. P–293, Fort Sam Houston
Property Number: 219330441
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 442 sq. ft., 1-story brick, needs rehab, within National Landmark Historic District, off-site use only.

Bldg. P–298, Fort Sam Houston
Property Number: 219330442
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3200 sq. ft., 1-story hollow tile, needs rehab, within National Landmark Historic District, off-site use only.

Bldg. P–377, Fort Sam Houston
Property Number: 219330444
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only.

Bldg. T–1492
Property Number: 219330483
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2284 sq. ft., 1-story wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. T–2066
Property Number: 219330484

Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 4720 sq. ft., 2-story wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. T–5901
Property Number: 219330486
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. T–1464
Property Number: 219330487
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3778 sq. ft., 1-story wood frame, needs rehab, most recent use—t-shirts and frame shop, off-site use only.

Bldg. T–1874
Property Number: 219330488
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3108 sq. ft., 1-story wood frame, needs rehab, off-site use only.

Bldg. T–2193
Property Number: 219330490
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1800 sq. ft., 1-story wood frame, needs rehab, most recent use—storage shed, off-site use only.

Bldg. T–2510
Property Number: 219330492
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3210 sq. ft., 1-story wood frame, needs rehab, most recent use—storage, off-site use only.

Bldg. T–2512
Property Number: 219330495
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 18,260 sq. ft., 1-story wood frame, needs rehab, most recent use—vehicle maintenance shop, off-site use only.

Bldg. T–2520
Property Number: 219330498
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 31,296 sq. ft., 1-story wood frame, needs rehab, most recent use—physical fitness, off-site use only

Bldg. T–2183
Property Number: 219330499
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 3000 sq. ft., 1-story wood frame, needs rehab, most recent use—stable, off-site use only

Bldg. T–6231
Property Number: 219330500
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 600 sq. ft., 1-story wood frame, most recent use—firing range, off-site use only

Bldg. T–6232
Property Number: 219330501
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 401 sq. ft., 1-story wood frame, most recent use—firing range, off-site use only

Bldg. T–6236
Property Number: 219330502
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 401 sq. ft., 1-story wood frame, needs rehab, most recent use—firing range, off-site use only

Bldg. T–211
Property Number: 219340194
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 2284 sq. ft., 1-story wood frame, most recent use—instruction bldg., off-site use only

Bldg. P–5902
Property Number: 219340197
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 1157 sq. ft., 1-story wood, most recent use—warehouse, off-site use only

Bldg. 315, Fort Hood
Property Number: 219410315
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 316, Fort Hood
Property Number: 219410316
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 1500 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 317, Fort Hood
Property Number: 219410317
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs rehab, most recent use-storage, off-site use only

Bldg. 4480, Fort Hood
Property Number: 219410322
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. 871, Fort Bliss
Property Number: 219420455
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 3540 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 1165, Fort Bliss
Property Number: 219420456
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 5263 sq. ft., 1-story wood, needs repair, most recent use—office, off-site use only

Bldg. 4718, Fort Bliss
Property Number: 219420459
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 899 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4719, Fort Bliss
Property Number: 219420460
Fed Reg Date: 10/13/95
El Paso, TX, Co: El Paso, Zip: 79916–
Status: Unutilized
Comment: 519 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4105, Fort Hood
Property Number: 219420463
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Coryell, Zip: 76544–
Status: Unutilized
Comment: 2535 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldgs. 7050, 7058
Property Number: 219430181
Fed Reg Date: 10/13/95
Fort Bliss
Ft. Bliss, TX, Zip: 79916–
Status: Unutilized
Comment: 1809–8584 sq. ft., 1-story wood frame, needs rehab, most recent use—office/club, off-site use only

Bldg. 1, Fort Hood
Property Number: 219440336
Fed Reg Date: 10/13/95
Lubbock, TX, Co: Lubbock, Zip: 79408–
Status: Unutilized
Comment: 11440 sq. ft., 1 story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center

Bldg. 2, Fort Hood
Property Number: 219440337
Fed Reg Date: 10/13/95
Lubbock, TX, Co: Lubbock, Zip: 79408–
Status: Unutilized
Comment: 2818 sq. ft., 1 story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center maintenance shop

Bldg. P–452
Property Number: 219440449
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 600 sq. ft., 1 story stucco frame, lead paint, off-site removal only, most recent use—bath house

Bldg. P–2009
Property Number: 219440450
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 144 sq. ft., 1 story brick frame, lead paint, off-site removal only, no utilities, most recent use—flammable material storage

Bldg. T–5016
Property Number: 219440451
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 3146 sq. ft., 1 story wood frame, asbestos & lead paint, limited utilities, off-site removal only, most recent use—fire station vehicle storage

Bldg. T–5017
Property Number: 219440452
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 3146 sq. ft., 1 story wood frame, asbestos & lead paint, off-site removal only, most recent use—admin/storage

Bldg. T–5018
Property Number: 219440453
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 1140 sq. ft., 1 story wood frame, asbestos & lead paint, off-site removal only, most recent use—fire station

Bldg. P–6615
Property Number: 219440454
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage

Bldg. S–1111, Fort Sam Houston
Property Number: 219520117
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Zip: 78234–5000
Status: Unutilized
Comment: 8629 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–300, Fort Sam Houston
Property Number: 219520118
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 8352 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–1028, Fort Sam Houston
Property Number: 219520119
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 6302 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–1051, Fort Sam Houston
Property Number: 219520120
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 6617 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. P–1059, Fort Sam Houston
Property Number: 219520121
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Unutilized
Comment: 700 gr. sq. ft., presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. P–250
Property Number: 219520136
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 42955 sq. ft., 4-story, presence of lead base paint & asbestos, most recent use—barracks, classrooms, offices, located in Historic District

Bldg. 307, Fort Hood
Property Number: 219520198
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Excess
Comment: 1600 sq. ft., 1-story, most recent use—med. clinic, off-site use only

Bldg. 507, Fort Hood
Property Number: 219520199
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 1600 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 831, Fort Hood
Property Number: 219520200
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 4780 sq. ft., 2-story, most recent use—training, needs rehab, off-site use only

Bldg. 4201, Fort Hood
Property Number: 219520201
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only

Bldg. 4202, Fort Hood
Property Number: 219520202
Fed Reg Date: 10/13/95
Ft. Hood, TX, Co: Bell, Zip: 76544–
Status: Unutilized
Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–1030
Property Number: 219520203
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–1053
Property Number: 219520204
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 6452 sq. ft., 1-story, presence of asbestos & lead base paint, most recent use—med. clinic, located in Historic District, off-site use only

Bldg. P–2004
Property Number: 219520205
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 5991 sq. ft., 1-story, most recent use—med. clinic, needs rehab, presence of lead base paint, located in Historic District

Bldg. T–2235
Property Number: 219520206
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 2100 sq. ft., 1-story, most recent use—med. research lab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2289
Property Number: 219520207
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–22990
Property Number: 219520208
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2291
Property Number: 219520209
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2293
Property Number: 219520210
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2295
Property Number: 219520211
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess

Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2296
Property Number: 219520212
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2297
Property Number: 219520213
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2298
Property Number: 219520214
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2299
Property Number: 219520215
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–5101
Property Number: 219520216
Fed Reg Date: 10/13/95
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Comment: 18792 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Virginia

Buildings

Bldg. T–6015
Property Number: 219012376
Fed Reg Date: 10/13/95
Project Name: U.S. Army Logistics Center
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Comment: 2124 sq. ft., 2 story, most recent use—barracks; poor condition; needs major rehab.

Bldg. T3003
Property Number: 219440446
Fed Reg Date: 10/13/95
Fort Picket
W. 33rd Street
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Comment: 1750 sq. ft., 1 story wood frame, most recent use—confinement facility, needs repairs

Bldg. T2800
Property Number: 219440447
Fed Reg Date: 10/13/95
Fort Picket
Off Armistead Road
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Comment: 2056 sq. ft., 1 story wood frame, most recent use—clinic, needs repairs

Bldg. T2857
Property Number: 219440448
Fed Reg Date: 10/13/95
Fort Picket
Off Armistead Road
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Comment: 2987 sq. ft., 1 story wood frame, most recent use—admin

Bldg. 555
Property Number: 219510129
Fed Reg Date: 10/13/95
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Unutilized
Comment: 34 sq. ft., 1-story, concrete block, needs repair, most recent use—general storage

Bldg. T–87
Property Number: 219510130
Fed Reg Date: 10/13/95
Fort Monroe
Ft. Monroe, VA, Zip: 23651–
Status: Unutilized
Comment: 395 sq. ft., 1-story, needs repair, most recent use—general storage

Bldg. T–262
Property Number: 219510131
Fed Reg Date: 10/13/95
Fort Monroe
Ft. Monroe, VA, , Zip: 23651–
Status: Underutilized
Comment: 1168 sq. ft., 1-story, wood frame, needs repair, most recent use—general storage

Bldg. T–265
Property Number: 219510132
Fed Reg Date: 10/13/95
Fort Monroe
Ft. Monroe, VA, , Zip: 23651–
Status: Underutilized
Comment: 636 sq. ft., 1-story trailer, needs repair, most recent use—office

Bldg. TT0104
Property Number: 219520217
Fed Reg Date: 10/13/95
Fort A.P. Hill
Bowling Green, VA, Co: Caroline, Zip: 22427–5000
Status: Unutilized
Comment: 1464 sq. ft., 1-story, most recent use—training, needs rehab, off-site use only

Bldg. TT0105
Property Number: 219520218
Fed Reg Date: 10/13/95
Fort A.P. Hill
Bowling Green, VA, Co: Caroline, Zip: 22427–5000
Status: Unutilized
Comment: 2273 sq. ft., 1-story, most recent use—storage, off-site use only

Washington

Buildings

Reserve Center, Longview
Property Number: 219320368
Fed Reg Date: 10/13/95
14 Port Way
Longview, WA, Co: Cowlitz, Zip: 98632–
Status: Unutilized
Comment: 17,304 sq. ft., 1-story training facility, scheduled to be vacated 9/93

Bldg. 9771, Fort Lewis
Property Number: 219510133
Fed Reg Date: 10/13/95
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Bldg. 9772, Fort Lewis
Property Number: 219510134
Fed Reg Date: 10/13/95
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Bldg. 9773, Fort Lewis
Property Number: 219510135
Fed Reg Date: 10/13/95
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab; most recent use—family housing used as storage, off-site use only.

Bldg. 9774, Fort Lewis
Property Number: 219510136
Fed Reg Date: 10/13/95
Ft. Lewis, WA, Co: Pierce, Zip: 98433–
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab; most recent use—family housing used as storage, off-site use only.

Wisconsin

Buildings

Bldg. 7174, Fort McCoy
Property Number: 219320372
Fed Reg Date: 10/13/95
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 8466 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse.

Bldg. 7176, Fort McCoy
Property Number: 219320373
Fed Reg Date: 10/13/95
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Underutilized
Comment: 5415 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse.

Bldg. 7261, Fort McCoy
Property Number: 219320374
Fed Reg Date: 10/13/95
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 4800 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently

by Army, most recent use—gen. purpose warehouse.
Bldg. 2321
Property Number: 219430225
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 682 sq. ft., 1-story, needs rehab, most recent use—heat plant.
Bldg. 2673
Property Number: 219430226
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 13515 sq. ft., 1-story, needs rehab, most recent use—theater.
Bldg. 2110
Property Number: 219430232
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 18270 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.
Bldg. 2320
Property Number: 219430233
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 33345 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.
Bldg. 2763
Property Number: 219430236
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 3250 sq. ft., 1-story, needs rehab, most recent use—admin.
Bldg. 2755
Property Number: 219430239
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 168 sq. ft., 1-story, needs rehab, most recent use—dispatch bldg.
Bldg. 850
Property Number: 219430243
Fed Reg Date: 10/13/95
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656–
Status: Unutilized
Comment: 2350 sq. ft., 1-story, needs rehab, most recent use—dining facility.
Bldg. 240, Fort McCoy
Property Number: 219520219
Fed Reg Date: 10/13/95
Ft. McCoy, WI, Co: Monroe, Zip: 54656–5162
Status: Underutilized
Comment: 1750 sq. ft., 1-story, needs rehab, most recent use—admin.

COE

Arkansas

Land

Parcel 01
Property Number: 319010071
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 77.6 acres.
Parcel 02
Property Number: 319010072
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 198.5 acres.
Parcel 03
Property Number: 319010073
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 18
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 50.46 acres.
Parcel 04
Property Number: 319010074
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Sections 24, 25, 30 and 31
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 236.37 acres.
Parcel 05
Property Number: 3190100751
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 16
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 187.30 acres.
Parcel 06
Property Number: 319010076
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 13.0 acres.
Parcel 07
Property Number: 319010077
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 34
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 0.27 acres.
Parcel 08
Property Number: 319010078
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923–9361
Status: Unutilized
Comment: 14.6 acres.
Parcel 09
Property Number: 319010079
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 6.60 acres.
Parcel 10
Property Number: 319010080
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 4.5 acres.
Parcel 11
Property Number: 319010081
Fed Reg Date: 08/18/95
Project Name: DeGray Lake
DeGray Lake
Section 19
Arkadelphia, AR, Co: Hot Spring, Zip: 71923–9361
Status: Unutilized
Comment: 19.50 acres.
Lake Greeson
Property Number: 319010083
Fed Reg Date: 08/18/95
Project Name: Lake Greeson
Sections 7, 8 and 18
Murfreesboro, AR, Co: Pike, Zip: 71958–9720
Status: Unutilized
Comment: 46 acres.

California

Land

Lake Mendocino
Property Number: 319011015
Fed Reg Date: 08/18/95
Project Name: Lake Mendocino
1160 Lake Mendocino Drive
Ukiah, CA, Co: Mendocino, Zip: 95482–9404
Status: Unutilized
Comment: 20 acres; steep, dense brush; potential utilities.

Iowa

Buildings

Bldg.—Bridgeview
Property Number: 319340003
Fed Reg Date: 08/18/95
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.
Bldg.—Island View
Property Number: 319340004
Fed Reg Date: 08/18/95
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.
Bldg.—Rolling Cove
Property Number: 319340005
Fed Reg Date: 08/18/95
Rathbun Lake Project, R.R. #3
Centerville, IA, Co: Appanoose, Zip: 52544–
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.
Silo

Property Number: 319530033
Fed Reg Date: 10/20/95
Tract 100, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: concrete block, 1 story, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Shed
Property Number: 319530034
Fed Reg Date: 10/20/95
Tract 100, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: Wood frame, off-site use only, most recent use—dog house.

White Shed
Property Number: 319530035
Fed Reg Date: 10/20/95
Tract 130, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 144 sq. ft., fair condition, presence of asbestos/lead paint, off-site use only, most recent use—storage.

Play House
Property Number: 319530036
Fed Reg Date: 10/20/95
Tract 130, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 120 sq. ft., good condition, presence of asbestos/lead paint, off-site use only.

Corn Crib
Property Number: 319530037
Fed Reg Date: 10/20/95
Tract 136, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: Most recent use—storage, fair condition, off-site use only.

Pole Shed
Property Number: 319530038
Fed Reg Date: 10/20/95
Tract 137, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 720 sq. ft., fair condition, off-site use only, most recent use—storage.

Storage Shed
Property Number: 319530039
Fed Reg Date: 10/20/95
Tract 138, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 100 sq. ft., fair condition, presence of asbestos/lead paint, off-site use only, most recent use—storage.

Shed
Property Number: 319530040
Fed Reg Date: 10/20/95
Tract 138, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 384 sq. ft., fair condition, presence of asbestos/lead paint, off-site use only, most recent use—storage.

Barn
Property Number: 319530041
Fed Reg Date: 10/20/95
Tract 138, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 1280 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

House
Property Number: 319530042
Fed Reg Date: 10/20/95
Tract 126, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: 3583 sq. ft., wood frame, presence of asbestos/lead paint, off-site use only.

Grain Bin
Property Number: 319530043
Fed Reg Date: 10/20/95
Tract 139, Camp Dodge
Johnston, IA, Co: Polk, Zip: 50131–
Status: Excess
Comment: Most recent use—grain bin/storage, fair condition, off-site use only.

Kansas

Land

Parcel 1
Property Number: 319010064
Fed Reg Date: 08/18/95
Project Name: El Dorado Lake
El Dorado Lake
Section 13, 24, and 18
(See County), KS, Co: Butler, Zip:
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Buildings

Trailer—Clinton Lake
Property Number: 319410003
Fed Reg Date: 08/18/95
Rt. 5, Box 109B
Lawrence, KS, Co: Douglas, Zip: 66046–
Status: Excess
Comment: double-wide trailer (24×50), most recent use—residence, needs repair, off-site use only.

Kentucky

Land

Tract 2625
Property Number: 319010025
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky, and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: Adjoining the village of Rockcastle.
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Property Number: 319010026
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Property Number: 319010027
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Property Number: 319010028
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Property Number: 319010029
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 6½ miles west of Cadiz.
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Property Number: 319010031
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Cadiz, KY, Co: Trigg, Zip: 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Property Number: 319010032
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters on Hopson Creek.
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Property Number: 319010033
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Property Number: 319010034
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 5 miles south of Canton, KY.
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Property Number: 319010035
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Property Number: 319010036
Fed Reg Date: 08/18/95
Project Name: Barkley Lake

Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 6½ miles south of Canton, KY.
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Property Number: 319010042
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: On the north side of the Illinois Central Railroad.
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Property Number: 319010044
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Property Number: 319010045
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Property Number: 319010046
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Property Number: 319010047
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Property Number: 319010048
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Property Number: 319010049
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Property Number: 319010050
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Property Number: 319010051
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Property Number: 319010052
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Property Number: 319010053
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Property Number: 319010054
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Property Number: 319010055
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Property Number: 319010056
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Property Number: 319010057
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Kuttawa, KY, Co: Lyon, Zip: 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tracts 5203 and 5204
Property Number: 319010058
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: Village of Linton, KY state highway 1254.
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Property Number: 319010059
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212–
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Property Number: 319011621
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Property Number: 319011622
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212–
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Property Number: 319011623
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Property Number: 319011624
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee

Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Property Number: 319011625
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Property Number: 319011626
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Property Number: 319011627
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B—Markland Locks & Dam
Property Number: 319130002
Fed Reg Date: 08/18/95
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Property Number: 319130003
Fed Reg Date: 08/18/95
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Property Number: 319130005
Fed Reg Date: 08/18/95
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Tract N–819
Property Number: 319140009
Fed Reg Date: 08/18/95
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart, KY, Co: Clinton, Zip: 42601–
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Property Number: 31920003
Fed Reg Date: 08/18/95
Kentucky River
Carrolton, KY, Co: Carroll, Zip: 41008–0305
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Portion of Lock & Dam No. 2
Property Number: 319320004
Fed Reg Date: 08/18/95
Kentucky River
Lockport, KY, Co: Henry, Zip: 40036–9999
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Buildings

Green River Lock & Dam #3
Property Number: 319010022
Fed Reg Date: 08/18/95
Project Name: Green River Lock & Dam #3
Rochester, KY, Co: Butler, Zip: 42273–
Location: SR 70 West from Morgantown, KY., approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Property Number: 319010060
Fed Reg Date: 08/18/95
Project Name: Kentucky River Lock and Dam 3
Pleasureville, KY, Co: Henry, Zip: 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Property Number: 319011628
Fed Reg Date: 08/18/95
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Property Number: 319011629
Fed Reg Date: 08/18/95
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip: 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to highway 320, then left for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Utility Bldg, Nolin River Lake
Property Number: 319320002
Fed Reg Date: 08/18/95
Moutardier Recreation Site
KY, Co: Edmonson, Zip:
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Louisiana

Land

Wallace Lake Dam and Reservoir
Property Number: 319011009
Fed Reg Date: 08/18/95
Project Name: Wallace Lake Dam and Reservoir
Shreveport, LA, Co: Caddo, Zip: 71103–
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Property Number: 319011010
Fed Reg Date: 08/18/95
Project Name: Bayou Bodcau Dam and Reservoir
Haughton, LA, Co: Caddo, Zip: 71037–9707
Location: 35 miles Northeast of Shreveport, LA.
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Minnesota

Land

Parcel D
Property Number: 319011038
Fed Reg Date: 08/18/95
Project Name: Pine River
Pine River
Cross Lake, MN, Co: Crow Wing, Zip: 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Property Number: 319011040
Fed Reg Date: 08/18/95
Project Name: Sandy Lake
Sandy Lake
McGregor, MN, Co: Aitkins, Zip: 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Status: Excess.
Comment: 4 acres; no utilities.

Tract 98
Property Number: 319011041
Fed Reg Date: 08/18/95
Project Name: Leech Lake
Leech Lake
Benedict, MN, Co: Hubbard, Zip: 56641–
Location: 1 mile from city of Federal Dam, MN.
Status: Excess
Comment: 7.3 acres; no utilities.

Buildings

Frame Dwelling—Lake Traverse
Property Number: 319520001
Fed Reg Date: 08/18/95
Rural Rt. 2
Wheaton, MN, Co: Traverse, Zip: 56296–9630
Status: Excess
Comment: 1453 sq. ft., 2-story residence, off-site use only.

Missouri

Land

Harry S Truman Dam & Reservoir
Property Number: 319030014
Fed Reg Date: 08/18/95
Project Name: Harry S Truman Dam & Reservoir
Warsaw, MO, Co: Benton, Zip: 65355–
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Status: Underutilized

Comment: 1.7 acres; potential utilities.

Mississippi

Land

Parcel 7
Property Number: 319011019
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Sections 22, 23, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Property Number: 319011020
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Property Number: 319011021
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Property Number: 319011022
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Property Number: 319011023
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 20 and T23N, R5E
Grenada, MS, Co: Grenada, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Property Number: 319011024
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 4, T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Property Number: 319011025
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Property Number: 319011026
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 7, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Property Number: 319911927
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 9, T24N, R6E
Grenda, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Property Number: 319011028
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 20, T24N, R8E
Grenada, MS, Co: Calhoun, Zip: 38901–0903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Property Number: 319011029
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 25, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38390–10903
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Property Number: 319011030
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 34, T24N, R7E
Grenada, MS, Co: Yalobusha, Zip: 38903–0903
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Property Number: 319011031
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 3, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Property Number: 319011032
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 4, T24N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Property Number: 319011033
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 9, T23N, R6E
Grenada, MS, Co: Yalobusha, Zip: 38901–0903
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Property Number: 319011034
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 17, T23N, R7E
Grenada, MS, Co: Grenada, Zip: 28901–0903
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Property Number: 319011035
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 22, T23N, R7E
Grenada, MS, Co: Grenada, Zip: 28902–0903
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Property Number: 319011036
Fed Reg Date: 08/18/95
Project Name: Grenada Lake
Grenada Lake
Section 9, T22N, R7E
Grenada, MS, Co: Grenada, Zip: 38901–0903
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Ohio

Land

Hannibal Locks and Dam
Property Number: 319010015
Fed Reg Date: 08/18/95
Project Name: Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal, OH, Co: Monroe, Zip: 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Status: Underutilized
Comment: 22 acres; river bank.

Buildings

Barker Historic House
Property Number: 319120018
Fed Reg Date: 08/18/95
Willow Island Locks and Dam
Newport, OH, Co: Washington, Zip: 45768–9801
Location: Located at lock site, downstream of lock and dam structure

Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Oklahoma

Land

Pine Creek Lake
Property Number: 319010923
Fed Reg Date: 08/18/95
Project Name: Pine Creek Lake
Section 27
(See County), OK, Co: McCurtain, Zip:
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Land

Mahoning Creek Lake
Property Number: 319010018
Fed Reg Date: 08/18/95
Project Name: Mahoning Creek Lake
New Bethlehem, PA, Co: Armstrong, Zip: 16242–9603
Location: Route 28 north to Belknap, Road #4
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Property Number: 319011001
Fed Reg Date: 08/18/95
Project Name: Shenango River Lake
Shenango River Lake
Sharpsville, PA, Co: Mercer, Zip: 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Property Number: 319011011
Fed Reg Date: 08/18/95
Project Name: Crooked Creek Lake
Crooked Creek Lake
PA, Co: Armstrong, Zip: 03051–
Location: Left bank—55 miles downstream of dam.
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Property Number: 319430012
Fed Reg Date: 08/18/95
Crooked Creek Lake, LR 03051
Ford City, PA, Co: Armstrong, Zip: 16226–
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Buildings

Mahoning Creek Reservoir
Property Number: 319210008
Fed Reg Date: 08/18/95
New Bethlehem, PA, Co: Armstrong, Zip: 16242–
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

One Unit/Residence
Property Number: 319430011
Fed Reg Date: 08/18/95
Conemaugh River Lake, RD #1, Box 702
Saltburg, PA, Co: Indiana, Zip: 15681–
Status: Unutilized
Comment: 2642 sq. ft., 1-story, 1-unit of duplex, fair condition, access restrictions.

South Carolina

Buildings

Bldg. 5
Property Number: 319011548
Fed Reg Date: 08/18/95
Project Name: J.S. Thurmond Dam & Reservoir
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick, Zip:
Location: ½ miles east of Resource Managers Office.
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Tennessee

Land

Tract 6827
Property Number: 319010927
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles west of Dover, TN.
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Property Number: 319010928
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 3½ miles south of village of Tabaccoport
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Property Number: 319010929
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Dickson, Zip: 37015–
Location: ½ mile downstream from Cheatham Dam
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
Property Number: 319010930
Fed Reg Date: 08/18/95
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: West of Buckeye Bottom Road
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
Property Number: 319010931
Fed Reg Date: 08/18/95
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Old Jefferson Pike
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
Property Number: 319010932
Fed Reg Date: 08/18/95
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: Across Fall Creek near Fall Creek camping area.
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Property Number: 319010933
Fed Reg Date: 08/18/95
Project Name: Cordell Hull Lake & Dam Pro.
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro, TN, Co: Jackson, Zip: 38562–
Location: TN Highway 56
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
Property Number: 319010934
Fed Reg Date: 08/18/95
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: East of Lamar Road
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
Property Number: 319010935
Fed Reg Date: 08/18/95
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip: 37130–
Location: South of Old Jefferson Pike
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Property Number: 319010936
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Property Number: 319010937
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Cumberland, TN, Co: Stewart, Zip: 37050–
Location: 1½ miles East of Cumberland City.
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Property Number: 319010938
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Cumberland City, TN, Co: Montgomery, Zip: 37050–
Location: 4 miles east of Cumberland City.

Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Property Number: 319010939
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2 miles downstream from Cheatham Dam.
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Property Number: 319010940
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip: 37015–
Location: 2½ miles downstream from Cheatham Dam.
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Property Number: 319010941
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Bumpus Mills, TN, Co: Stewart, Zip: 37028–
Location: 4½ miles SW. of Bumpus Mills.
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Property Number: 319010943
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Palmyer, TN, Co: Montgomery, Zip: 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Property Number: 319010944
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 1½ miles SE of Dover, TN.
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Property Number: 319011173
Fed Reg Date: 08/18/95
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058–
Location: 3 miles south of Village of Tobaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Property Number: 319130007
Fed Reg Date: 08/18/95
Old Hickory Lock and Dam
Hartsville, TN, Co: Trousdale, Zip: 37074–
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Property Number: 3191400006
Fed Reg Date: 08/18/95
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Property Number: 319140007
Fed Reg Date: 08/18/95
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Property Number: 319140008
Fed Reg Date: 08/18/95
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551–
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Property Number: 319140010
Fed Reg Date: 08/18/95
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston, TN, Co: Clay, Zip: 38570–
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Buildings

Cheatham Lock & Dam
Property Number: 319520003
Fed Reg Date: 08/18/95
Tract D, Lock Road
Nashville, TN, Co: Davidson, Zip: 37207–
Status: Unutilized
Comment: 1100 sq. ft. dwelling w/storage bldgs on 7 acres, needs major rehab, contamination issues, approx. 1 acre in fldwy, modif. to struct. subj. to approval of St. Hist. Presv. Ofc.

Texas

Land

Parcel #222
Property Number: 319010421
Fed Reg Date: 08/18/95
Project Name: Lake Texoma
Lake Texoma
TX, Co: Grayson, Zip:
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Virginia

Buildings

Peters Ridge Site
Property Number: 319430013
Fed Reg Date: 08/18/95
Gathright Dam
Covington, VA, Zip:
Status: Excess
Comment: 64 sq. ft., metal bldg.

Coles Mountain Site
Property Number: 319430015
Fed Reg Date: 08/18/95
Gathright Dam, Rt. 607
VA, Co: Bath, Zip:
Status: Excess
Comment: 64 sq. ft., 1-story metal bldg.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property Number: 319011524
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011525
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011527
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna, WI, Co: Outagamie, Zip: 54131–
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011531
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011533
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown, WI, Co: Outagamie, Zip: 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011535
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence, WI, Co: Brown, Zip: 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.

Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011536
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute, WI, Co: Outagamie, Zip: 54140–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

DOT

North Carolina

Buildings

Dwelling 1
Property Number: 879120083
Fed Reg Date: 08/11/95
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: One story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 2
Property Number: 879120084
Fed Reg Date: 08/11/95
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: One story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 3
Property Number: 879120085
Fed Reg Date: 08/11/95
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: One story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Virginia

Buildings

Housing
Property Number: 879120082
Fed Reg Date: 08/11/95
Rt. 637 Gwynnville Road
Gwynn Island, VA, Co: Mathews, Zip: 23066–
Status: Unutilized
Comment: 929 sq. ft., one story residence.

GSA

California

Land

(P) Camp Elliott
Property Number: 549310008
Fed Reg Date: 08/11/95
Rosedale Tract
San Diego, CA, Co: San Diego, Zip:
Status: Surplus
Comment: Parcel 1—0.15 acre, Parcel 2—0.17 acre, located in the narrow median strip between Murphy Canyon Rd., and State Highway 15, previously leased by homeless provider.
GSA No.: 9–GR(6)–CA–694A

Michigan

Buildings

Little Rapids Lightkeeper Sta.
Property Number: 549530002
Fed Reg Date: 09/08/95
Little Rapids Channel
Sault St. Marie, MI, Co: Chippewa, Zip: 49873–
Status: Excess
Comment: 1411 sq. ft. wood frame dwelling with 480 sq. ft. garage, and 121 sq. ft. storage bldg., poor condition, needs rehab, possible asbestos.
GSA No.: 2–D–MI–722A

New Mexico

Buildings

Magdalena Dormitory
Property Number: 549540006
Fed Reg Date: 12/15/95
Poplar and 8th Streets
Magdalena, NM, Co: Soccorro, Zip: 87825–
Status: Excess
Comment: 14 bldgs. consisting of dormitory/dining & storage facilities, apartments & garages, vacant for 8 years, needs rehab, potential utilities.
GSA No.: 7–I–NM–0543

Nevada

Buildings

13 Single Family Residences
Property Number: 549430005
Fed Reg Date: 08/11/95
Tonopah Housing Complex
Tonopah, NV, Co: Nye, Zip: 89049–
Status: Excess
Comment: 1192–1898 sq. ft., 1 story wood residences, 4 bedrooms/2 bathrooms.
GSA No.: 9–U–NV–467–C

Ohio

Buildings

Natl. Weather Met. Observatory
Property Number: 549540005
Fed Reg Date: 12/15/95
Huber Heights, OH, Co: Montgomery, Zip:
Status: Excess
Comment: 1100 sq. ft., 1 story, most recent use—office/admin.
GSA No.: 2–C–OH–796

Puerto Rico

Land

La Hueca—Naval Station
Property Number: 549420006
Fed Reg Date: 08/11/95
Roosevelt Roads
Vieques, PR, , Zip: 00765–
Status: Excess
Comment: 323 acres, cultural site.

Virginia

Buildings

Bristol U.S. Army Reserve Ctr.
Property Number: 219440317
Fed Reg Date: 12/08/95
100 Piedmont Avenue
Bristol, VA, Co: Washington, Zip: 24201–
Status: Excess
Comment: 13,460 sq. ft., 2-story plus basement, brick structure, presence of asbestos, needs some rehab. (Property was published incorrectly on 10/13/95).
GSA No.: 4–D–VA–711

Washington

Land

Asotin Quarry–Lower Lock & Dam
Property Number: 549340001
Fed Reg Date: 08/11/95
West of Upriver Road
Asotin, WA, Co: Asotin, Zip: 99402–
Status: Excess
Comment: 39.42 acres, access easement, most recent use—rock quarry.
GSA No.: 9–D–WA–824–K

Second Stadium Home Site
Property Number: 549540008
Fed Reg Date: 12/15/95
1701 Martin Luther King Blvd.
Seattle, WA, Co: King, Zip: 98144–
Status: Excess
Comment: 1.5061 acres of unimproved land, most recent use—temporary storage for construction equipment.
GSA No.: 9–GRI–WA–543

Wisconsin

Land

Portion, Kewaunee Eng. Depot
Property Number: 319440013
Fed Reg Date: 09/22/95
East Storage Yard
Kewaunee, WI, Co: Kewaunee, Zip: 54216–
Status: Excess
Comment: 0.95 acres, storage bldg. on prop. owned by State, limited access (water access only).
GSA No.: 2–D–WI–572

West Virginia

Buildings

R.T. Price House
Property Number: 319520004
Fed Reg Date: 08/18/95
U.S. Route 2
Williamson, WV, Co: Mingo, Zip: 25661–
Status: Excess
Comment: 3116 sq. ft., brick, most recent use—office/conf., listed on Natl. Reg. of Historic Places, restriction against human habitation, recommend flood protection measures.
GSA No.: 4–D–WV–525

Navy

Georgia

Land

Naval Submarine Base
Property Number: 779010229
Fed Reg Date: 09/08/95
Project Name: Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay, GA, Co: Camden, Zip: 31547–
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Hawaii

Buildings

Bldg. S87, Radio Trans. Fac.
Property Number: 779240011
Fed Reg Date: 09/08/95
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized

Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Property Number: 779240012
Fed Reg Date: 09/08/95
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Bldg. T33 Radio Trans. Facility
Property Number: 779310003
Fed Reg Date: 09/08/95
Naval Computer & Telecommunications Area
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
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
Property Number: 779310004
Fed Reg Date: 09/08/95
Naval Computer & Telecommunications Area
Wahiawa, HI, Co: Honolulu, Zip: 96786–3050
Status: Unutilized
Comment: 3612 sq. ft., 1-story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Maine

Buildings

Naval Air Station
Property Number: 779010110
Fed Reg Date: 09/08/95
Project Name: Transmitter Site
Transmitter Site
Old Bath Road
Brunswick, ME, Co: Cumberland, Zip: 04053–
Status: Underutilized
Comment: 7,270 sq. ft., 1 story bldg, most recent use—storage structural deficiencies.

Parcel No. 3
Property Number: 779120001
Fed Reg Date: 09/08/95
Naval Air Station Topsham Annex
Topsham, ME, Co: Sagadahoc, Zip: 04086–
Status: Demolished
Comment: 1900 sq. ft., abandoned storage facility, poor condition on 4.31 acres.

Bldg, 373, Topsham Annex
Property Number: 779320024
Fed Reg Date: 09/08/95
Naval Air Station
Topsham, ME, Co: Sagadahoc, Zip:
Status: Excess
Comment: 1300 sq. ft., 1 story, most recent use—public works maintenance shop, on 2.55 acres.

New Hampshire

Buildings

Naval & Marine Corp. Rsv. Ctr.
Property Number: 779530005
Fed Reg Date: 12/01/95
199 North Main St.
Manchester, NH, Zip: 03102–
Status: Excess
Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup.

Pennsylvania

Buildings

Naval Reserve Center
Property Number: 779520034
Fed Reg Date: 09/08/95
Dalton Ave. 7 Mayfair St.
McKeesport, PA, Co: Allegheny, Zip: 15132–
Status: Excess
Comment: 3 interconnected quonset huts, need rehab, possible lead paint, lease restrictions, off-site removal only.

Texas

Land

Peary Point #2
Property Number: 779030001
Fed Reg Date: 09/08/95
Project Name: Naval Air Station
Naval Air Station
Corpus Christi, TX, Co: Nueces, Zip: 78419–5000
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA No: 7–N–TX–402–V

VA

Alabama

Land

VA Medical Center
Property Number: 979010053
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
VAMC
Tuskegee, AL, Co: Macon, Zip: 36083–
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Buildings

Bldg. 19, VA Medical Center
Property Number: 979220006
Fed Reg Date: 10/06/95
Tuskegee, AL, Co: Macon, Zip: 36083–
Status: Underutilized
Comment: Portion of a 5320 sq. ft. 4-story structure.

California

Land

Land
Property Number: 979240001
Fed Reg Date: 10/06/95
4150 Clement Street
San Francisco, CA, Co: San Francisco, Zip: 94121–
Status: Underutilized
Comment: 4 acres, landslide area.

Buildings

Bldg. 20—VA Medical Center
Property Number: 979210003
Fed Reg Date: 10/06/95
Wilshire & Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Unutilized
Comment: 8758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines.

Bldg. 13, VA Medical Center
Property Number: 979220001
Fed Reg Date: 10/06/95
Wilshire and Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Comment: Portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 156, VAMC
Property Number: 979230015
Fed Reg Date: 10/06/95
Wilshire & Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Comment: Portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material.

Indiana

Buildings

Bldg. 140, VAMC,
Property Number: 979230007
Fed Reg Date: 10/06/95
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Maryland

Land

VA Medical Center
Property Number: 979010020
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
9500 North Point Road
Fort Howard, MD, Co: Baltimore, Zip: 21052–
Status: Underutilized
Comment: Appox. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Buildings

Bldg. 25—VA Medical Center
Property Number: 979210001
Fed Reg Date: 10/06/95
Delafield Road
Pittsburgh, PA, Co: Allegheny, Zip: 15215–
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Tennessee

Buildings

Bldg. 16, VAMC Mountain Home
Property Number: 979220007
Fed Reg Date: 10/06/95
Johnson, TN, Co: Washington, Zip: 37604–
Status: Unutilized
Comment: 3215 sq. ft., 3-story wood frame residence, needs repair, subject to historic preservation requirements.

Texas

Land

Land
Property Number: 979010079
Fed Reg Date: 10/06/95
Project Name: Olin E. Teague Veterans Center
Olin E. Teague Veterans Center

1901 South 1st Street
Temple, TX, Co: Bell, Zip: 76504–
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.
VA Medical Center
Property Number: 979010081
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
4800 Memorial Drive
Waco, TX, Co: McLennan Zip: 76711–
Status: Underutilized
Comment: 2.3 acres, negotiating lease w/ Owens-Illinois Glass Plant, most recent use—parking lot.

Wisconsin

Land

VA Medical Center
Property Number: 979010054
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Buildings

Bldg. 8
Property Number: 979010056
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
VA Medical Center
County Highway E
Tomah, WI, Co: Monroe, Zip: 54660–
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Title V Properties for Year 95 Which Are Suitable and Unavailable

Air Force

California

Land

Camp Kohler Annex
Property Number: 189010045
Fed Reg Date: 8/18/95
Project Name: McClellan AFB
McClellan AFB
Sacramento, CA, Co: Sacramento, Zip: 95652–5000
Status: Unutilized
Reason: Change in AF mission.

Norton Com. Facility Annex

VA Medical Center
Property Number: 189010194
Fed Reg Date: 08/18/95
Project Name: Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland, CA, Co: San Bernardino, Zip: 92409–5045
Status: Excess
Reason: Leased by ''Baseline Little League''.

Buildings

Hawes Site (KHGM)
Property Number: 189010084
Fed Reg Date: 08/18/95
Project Name: Hawes Site
March AFB
Hinckley, CA, Co: San Bernardino, Zip: 92402–
Status: Unutilized
Reason: Contamination being cleaned up.

Idaho

Buildings

Bldg. 516
Property Number: 189520004
Fed Reg Date: 08/18/95
Mountain Home Air Force Base
Mountain Home, ID, Co: Elmore, Zip: 86348–
Status: Excess
Reason: Currently in use.

Michigan

Buildings

Bldg. 20
Property Number: 189010775
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 21
Property Number: 189010776
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 22
Property Number: 189010777
Fed Reg Date: 08/18/95
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 28
Property Number: 189010778
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 40
Property Number: 189010780
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 41
Property Number: 189010781
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 42
Property Number: 189010782
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 43
Property Number: 189010783
Fed Reg Date: 08/18/95
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 44
Property Number: 189010784
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 45
Property Number: 189010785
Fed Reg Date: 08/18/95

Project Name: Calumet Air Force Station

Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49912–
Status: Excess
Reason: Renewal of lease.

Bldg. 47
Property Number: 189010787
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 48
Property Number: 189010788
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 49
Property Number: 189010789
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 50
Property Number: 189010790
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 14
Property Number: 189010833
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 16
Property Number: 189010834
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.

Bldg. 9
Property Number: 189010835
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station

Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 11
Property Number: 189010837
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 12
Property Number: 189010838
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 13
Property Number: 189010839
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 5
Property Number: 189010840
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 6
Property Number: 189010841
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 7
Property Number: 189010842
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 8
Property Number: 189010843
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 4
Property Number: 189010844
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 3
Property Number: 189010845
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 1
Property Number: 189010846
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 158
Property Number: 189010857
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 15
Property Number: 189010864
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 31
Property Number: 189010867
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 32
Property Number: 189010868
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 33
Property Number: 189010869
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 34
Property Number: 189010870
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 35
Property Number: 189010871
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 39
Property Number: 189010874
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 202
Property Number: 189010880
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 203
Property Number: 189010881
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 204
Property Number: 189010882
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 205
Property Number: 189010883
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 206
Property Number: 189010884
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 207
Property Number: 189010885
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 153
Property Number: 189010886
Fed Reg Date: 8/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 154
Property Number: 189010887
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease.
Bldg. 157
Property Number: 189010888
Fed Reg Date: 08/18/95
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913–
Status: Excess
Reason: Renewal of lease

Missouri

Buildings

Jefferson Barracks ANG Base
Property Number: 189010081
Fed Reg Date: 08/18/95
Project Name: Missouri National Guard
Missouri National Guard
1 Grant Road
St. Louis, MO, Co: St. Louis, Zip: 63125–4118
Status: Underutilized
Reason: Vehicle fuel stations/fuel storage, Flooded area.

Montana

Buildings

Bldg. 00007
Property Number: 189330066
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00008
Property Number: 189330067
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00016
Property Number: 189330068
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00023
Property Number: 189330069
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00024
Property Number: 189330070
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00027
Property Number: 189330071
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00029
Property Number: 189330072
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00031
Property Number: 189330073
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00032
Property Number: 189330074
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00035
Property Number: 189330075
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00039
Property Number: 189330076
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00040
Property Number: 189330077
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00041
Property Number: 189330078
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00042
Property Number: 189330079
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 00044
Property Number: 189330080
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 51, 52, 56, 58
Property Number: 189330081
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 53–55, 57, 59, 61, 63, 65, 67,69, 71
Property Number: 189330082
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 60, 62, 64, 66, 68
Property Number: 189330083
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 70, 72, 74, 78
Property Number: 189330084
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 76, 80
Property Number: 189330085
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldg. 82
Property Number: 189330086
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 150, 152, 154, 156, 158, 160, 162, 164, 168, 170, 172, 174, 176, 178, 180, 182, 184
Property Number: 189330087
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 106–109, 112–113
Property Number: 189330088
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 202, 204, 206, 212, 214, 216, 218
Property Number: 189330089
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

Bldgs. 208, 210
Property Number: 189330090
Fed Reg Date: 08/18/95
Havre Air Force Station
MT, Co: Hill, Zip: 59501–
Status: Unutilized
Reason: Environmental cleanup required.

New Hampshire

Buildings

Bldg. 127
Property Number: 189320057
Fed Reg Date: 08/18/95
New Boston Air Force Station
Amherst, NH, Co: Hillsborough, Zip: 03031–1514
Status: Excess
Reason: Ongoing installation mission consideration.

Texas

Buildings

Bldg. 696
Property Number: 189110091
Fed Reg Date: 08/18/95
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 697
Property Number: 189110092
Fed Reg Date: 08/18/95
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

Bldg. 698
Property Number: 189110093
Fed Reg Date: 08/18/95
Project Name: Brooks Air Force Base
Brooks Air Force Base
San Antonio, TX, Co: Bexar, Zip: 78235–
Status: Unutilized
Reason: Change in agency mission.

ARMY

Arizona

Buildings

Bldg. S–306
Property Number: 219420346
Fed Reg Date: 10/13/95
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, Zip: 85365–9104
Status: Unutilized
Reason: Curerntly being utilized.

Colorado

Buildings

Bldg. P–1388
Property Number: 219430134
Fed Reg Date: 10/13/95
Fort Carson
Colorado Springs, CO, Co: El Paso, Zip: 80913–
Status: Unutilized
Reason: Being utilized.

Georgia

Buildings

Bldg. T201, Fort Stewart
Property Number: 219420357
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Bldg. T–902, Fort Stewart
Property Number: 219420360
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Bldg. 704, Fort Stewart
Property Number: 219420364
Fed Reg Date: 10/13/95
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Bldg. TT0791
Property Number: 219440408
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Bldg. TT0792
Property Number: 219440409
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Bldg. TT0793
Property Number: 219440410
Fed Reg Date: 10/13/95
Fort Stewart
Hinesville, GA, Co: Liberty, Zip: 31314–
Status: Unutilized
Reason: Being utilized.

Kansas

Buildings

Bldg. T–2014, Fort Riley
Property Number: 219520112
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Bldg. T–2017, Fort Riley
Property Number: 219520113
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Bldg. T–2019, Fort Riley
Property Number: 219520114
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Bldg. T–2033, Fort Riley
Property Number: 219520115
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Bldg. T–2040, Fort Riley
Property Number: 219520191
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Bldg. T–3210, Fort Riley
Property Number: 219520192
Fed Reg Date: 10/13/95
Ft. Riley, KS, Zip: 66442–
Status: Unutilized
Reason: Demolition contract in progress.

Kentucky

Buildings

Bldg. 05711, Fort Campbell
Property Number: 219410340
Fed Reg Date: 10/13/95
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 05713, Fort Campbell
Property Number: 219410341
Fed Reg Date: 10/13/95
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 5715
Property Number: 219410355
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 5717
Property Number: 219410357
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 5723
Property Number: 219410359
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 5725
Property Number: 219410361
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 2941
Property Number: 219420369
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Bldg. 232
Property Number: 219430147
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Fully utilized.

Bldg. 230
Property Number: 219430148
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Fully utilized.

Bldg. 30
Property Number: 219430151
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Fully utilized.

Bldgs. 250, 252
Property Number: 219430157
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Fully utilized.

Bldg. 2905
Property Number: 219430162
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Fully utilized.

Bldg. 5343
Property Number: 219430173
Fed Reg Date: 10/13/95
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223–
Status: Unutilized
Reason: Being utilized.

Louisiana

Buildings

Bldg. 3322, Fort Polk
Property Number: 219440441
Fed Reg Date: 10/13/95
Texas Avenue
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459–
Status: Underutilized
Reason: Located in restricted and hazardous work area.

Maryland

Buildings

Bldgs. TMA4, TMA5, TMA8, TMA9
Property Number: 219320292
Fed Reg Date: 10/13/95

Fort George G. Meade
Ft. Meade, MD, Co: Anne Arundel, Zip: 20755–5155
Status: Unutilized
Reason: To be demolished.

New Jersey

Land

Land—Camp Kilmer
Property Number: 219230358
Fed Reg Date: 10/13/95
Plainfield Avenue
Edison, NJ Co: Middlesex, Zip: 08817–2487
Status: Unutilized
Reason: Leasing to MIPH.

Nevada

Buildings

U.S. Army Reserve Center
Property Number: 219340180
Fed Reg Date: 10/13/95
685 East Plumb Lane
Reno, NV, Co: Washoe, Zip: 89502–
Status: Unutilized
Reason: Currently utilized.

Texas

Buildings

Bldg. P–2000, Fort Sam Houston
Property Number: 219220389
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–2001, Fort Sam Houston
Property Number: 219220390
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–2007, Fort Sam Houston
Property Number: 219220391
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. T–189, Fort Sam Houston
Property Number: 219220402
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–8249, Fort Sam Houston
Property Number: 219440455
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Excess
Reason: Committed to Congress for military housing construction.

Bldg. P–151,, Fort Sam Houston
Property Number: 219520116
Fed Reg Date: 10/13/95
San Antonio, TX, Co: Bexar, Zip: 78234–5000
Status: Utilized
Reason: Fully utilized.

Virginia

Buildings

Bldg. T3004, Fort Pickett
Property Number: 219310217
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3022, Fort Pickett
Property Number: 219310318
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3023, Fort Pickett
Property Number: 219310319
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3024, Fort Pickett
Property Number: 219310320
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3026, Fort Pickett
Property Number: 219310321
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3025, Fort Pickett
Property Number: 219310322
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3040, Fort Pickett
Property Number: 219310323
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3041, Fort Pickett
Property Number: 219310324
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3049, Fort Pickett
Property Number: 219310325
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3050, Fort Pickett
Property Number: 219310326
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3029, Fort Pickett
Property Number: 219310327
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3030, Fort Pickett
Property Number: 219310328
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3037, Fort Pickett
Property Number: 219310329
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3038, Fort Pickett
Property Number: 219310330
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3039, Fort Pickett
Property Number: 219310331
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3042, Fort Pickett
Property Number: 219310332
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3043, Fort Pickett
Property Number: 219310333
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3044, Fort Pickett
Property Number: 219310334
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3045, Fort Pickett
Property Number: 219310335
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3046, Fort Pickett
Property Number: 219310336
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3047, Fort Pickett
Property Number: 219310337
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3048, Fort Pickett
Property Number: 219310338
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3051, Fort Pickett
Property Number: 219310339
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3052, Fort Pickett
Property Number: 219310340
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3053, Fort Pickett
Property Number: 219310341
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3054, Fort Pickett
Property Number: 219310342
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–

Status: Underutilized
Reason: Needed for training activities.

Bldg. T3027, Fort Pickett
Property Number: 219310343
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3028, Fort Pickett
Property Number: 219310344
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3031, Fort Pickett
Property Number: 219310345
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3032, Fort Pickett
Property Number: 219310346
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3033, Fort Pickett
Property Number: 219310347
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3034, Fort Pickett
Property Number: 219310348
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3035, Fort Pickett
Property Number: 219310349
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3036, Fort Pickett
Property Number: 219310350
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3057, Fort Pickett
Property Number: 219310351
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. T3055, Fort Pickett
Property Number: 219310352
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Bldg. TT3001, Fort Pickett
Property Number: 219210353
Fed Reg Date: 10/13/95
Blackstone, VA, Co: Nottoway, Zip: 23824–
Status: Underutilized
Reason: Needed for training activities.

Quarters 19201 & 19209
Property Number: 219410365
Fed Reg Date: 10/13/95
Fort Lee
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Reason: In footprint of construction.

Quarters 19202, 19204, 19206, 19208, 19211, & 19213
Property Number: 219410366
Fed Reg Date: 10/13/95
Fort Lee
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Reason: In footprint of construction.

Quarters 19203, 19205, 19207
Property Number: 219410367
Fed Reg Date: 10/13/95
Fort Lee
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Reason: In footprint of construction.

Quarters 19210, 19214
Property Number: 219410368
Fed Reg Date: 10/13/95
Fort Lee
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Reason: In footprint of construction.

Quarter 19212
Property Number: 219410369
Fed Reg Date: 10/13/95
Fort Lee
Fort Lee, VA, Co: Prince George, Zip: 23801–
Status: Unutilized
Reason: In footprint of construction.

COE

California

Buildings

Santa Fe Flood Control Basin
Property Number: 319011298
Fed Reg Date: 08/18/95
Project Name: Santa Fe Flood Control Basin
Irwindale, CA, Co: Los Angeles, Zip: 91706–
Status: Unutilized
Reason: Needed for contract personnel.

Florida

Buildings

Bldg. CN7
Property Number: 319010012
Fed Reg Date: 08/18/95
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona, FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason: Disposal actions have been initiated.

Bldg. CN8
Property Number: 3190110013
Fed Reg Date: 08/18/95
Project Name: Ortona Lock Reservation
Ortona Lock Reservation, Okeechobee Waterway
Ortona, FL, Co: Glades, Zip: 33471–
Status: Unutilized
Reason: Disposal actions have been initiated.

Illinois

Land

Lake Shelbyville
Property Number: 319240004
Fed Reg Date: 08/18/95
Shelbyville, IL, Co: Shelby & Moultrie, Zip: 62565–9804
Status: Unutilized
Reason: Disposal action initiated.

Buildings

Bldg. 7
Property Number: 319010001
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 6
Property Number: 319010002
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 5
Property Number: 319010003
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 4
Property Number: 319010004
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 3
Property Number: 319010005
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 2
Property Number: 319010006
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Bldg. 1
Property Number: 319010007
Fed Reg Date: 08/18/95
Project Name: Ohio River Locks & Dam No. 53
Ohio River Locks & Dam No. 53
Grand Chain, IL, Co: Pulaski, Zip: 62941–9801
Status: Unutilized
Reason: Project integrity and security; safety liability.

Defunct Radio Station Site
Property Number: 319520002
Fed Reg Date: 08/18/95
(Govt Tract B–135), Chain of Rocks Canal
IL, Co: Madison, Zip: 62040–
Status: Excess
Reason: Disposal action initiated.

Indiana

Land

Portion of Tract 1219
Property Number: 319310002
Fed Reg Date: 08/18/95
Salamonie Lake, SR 9
Huntington, IN, Co: Huntington, Zip: 46750–
Status: Unutilized
Reason: Disposal action initiated.

Portion of Tract 1220
Property Number: 319310003
Fed Reg Date: 08/18/95
Salamonie Lake, SR 9
Huntington, IN, Co: Huntington, Zip: 46750–
Status: Unutilized
Reason: Disposal action initiated.

Portion of Tract 1207
Property Number: 319310004
Fed Reg Date: 08/18/95
Salamonie Lake, SR 9
Huntington, IN, Co: Huntington, Zip: 46750–
Status: Unutilized
Reason: Disposal action initiated.

Buildings

Bldg. 01, Monroe Lake
Property Number: 319140002
Fed Reg Date: 08/18/95
Monroe City. Rd. 37 North to Monroe Dam Rd.
Bloomington, IN, Co: Monroe, Zip: 47401–8772
Status: Unutilized
Reason: Disposal actions have been initiated.

Bldg. 02, Monroe Lake
Property Number: 319140003
Fed Reg Date: 08/18/95
Monroe City. Rd. 37 North to Monroe Dam Rd.
Bloomington, IN, Co: Monroe, Zip: 47401–8772
Status: Unutilized
Reason: Disposal actions have been initiated.

Kentucky

Land

Carr Fork Lake
Property Number: 319240003
Fed Reg Date: 8/18/95
5 miles SE of Hindman, KY., Hwy. 60
Hindman, KY, Co: Knott, Zip:
Status: Unutilized
Reason: Used as drainage field.

Pennsylvania

Land

East Branch Clarion River Lake
Property Number: 319011012
Fed Reg Date: 08/18/95
Project Name: East Branch Clarion River Lake
Wilcox, PA, Co: Elk, Zip:
Status: Underutilized
Reason: Location near damsite.

Dashields Locks and Dam (Glenwillard, PA)
Property Number: 319210009
Fed Reg Date: 08/18/95
Crescent Twp., PA, Co: Allegheny, Zip: 15046–0475
Status: Unutilized
Reason: Leased to Township.

Buildings

Tract 302B
Property Number: 319430017
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Old Glassworks, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to County.

Tract 314
Property Number: 319430018
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Old Glassworks, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: Disposal action initiated.

Tract 353
Property Number: 319430019
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 402
Property Number: 319430020
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403A
Property Number: 319430021
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403B
Property Number: 319430022
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 403C
Property Number: 319430023
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 434
Property Number: 319430024
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 440
Property Number: 319430025
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: To be transferred to Borough.

Tract 224
Property Number: 319440001
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Unutilized
Reason: Disposal action initiated.

Tract 301
Property Number: 319440002
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Excess
Reason: Disposal action initiated.

Tract 408E
Property Number: 319440003
Fed Reg Date: 08/18/95
Grays Landing Lock & Dam Project
Greensboro, PA, Co: Greene, Zip: 15338–
Status: Excess
Reason: Being utilized.

Tennessee

Buildings

Transient Quarters
Property Number: 319140005
Fed Reg Date: 08/18/95
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina, TN, Co: Clay, Zip: 38551–
Status: Unutilized
Reason: Fully utilized.

Texas

Land

Part of Tract 340
Property Number: 319010400
Fed Reg Date: 08/18/95
Project Name: Joe Pool Lake
Joe Pool Lake
TX, Co: Dallas, Zip:
Status: Unutilized
Reason: Incorporated into a park lease.

Washington

Land

Portion of Tract 905
Property Number: 319320005
Fed Reg Date: 08/18/95
Lower Monumental Lock & Dam
½ mi SE of Lyons Ferry Marina
WA, Co: Whitman, Zip:
Status: Excess
Reason: Disposal action initiated.

Wisconsin

Buildings

Former Lockmaster's Dwelling
Property Number: 319011526
Fed Reg Date: 08/18/95
Project Name: Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere, WI, Co: Brown, Zip: 54115–
Status: Unutilized
Reason: In negotiation for transfer to the State.

DOT

California

Land

Excess Land at Eureka Housing
Property Number: 879540001
Fed Reg Date: 12/01/95
Eureka, CA, Co: Humboldt, Zip: 95501–
Status: Unutilized
Reason: Encroachment on property.

Georgia

Land

Land—St. Simons Boathouse
Property Number: 879540003
Fed Reg Date: 12/15/95
St. Simons Island, GA, Co: Glynn, Zip: 31522–0577
Status: Unutilized
Reason: Reversionary clause in deed.

Massachusetts

Buildings

Keepers Dwelling
Property Number: 879240024
Fed Reg Date: 08/11/95
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport, MA, Co: Essex, Zip: 01966–
Status: Unutilized
Reason: Under a license agreement.

Assistant Keepers Dwelling
Property Number: 879240025
Fed Reg Date: 08/11/95
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport, MA, Co: Essex, Zip: 01966–
Status: Unutilized
Reason: Under a license agreement.

Maine

Buildings

Mount Desert Rock Light
Property Number: 879240023
Fed Reg Date: 08/11/95
U.S. Coast Guard
Southwest Harbor, ME, Co: Hancock, Zip: 04679–
Status: Unutilized
Reason: No electrical service.

Little River Light
Property Number: 879240026
Fed Reg Date: 08/11/95
U.S. Coast Guard
Cutler, ME, Co: Washington, Zip:
Status: Unutilized
Reason: Well contamination.

Burnt Island Light
Property Number: 879240027
Fed Reg Date: 08/11/95
U.S. Coast Guard
Southport, ME, Co: Lincoln, Zip: 04576–
Status: Unutilized
Reason: Under a historic lease.

Texas

Buildings

Brownsville Urban System
Property Number: 879010003
Fed Reg Date: 08/11/95
Project Name: Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville, TX, Co: Cameron, Zip: 78520–
Status: Unutilized
Reason: City of Brownsville needs the property.

Energy

Colorado

Buildings

Ft. Morgan Service Bldg.
Property Number: 419520002
Fed Reg Date: 09/08/95
Ft. Morgan, CO, Co: Morgan, Zip: 80701–
Status: Excess
Reason: Facility surrounded by high voltage transmission lines.

GSA

Alaska

Buildings

Ketchikan Ranger House
Property Number: 549430009
Fed Reg Date: 08/11/95
Ketchikan, AK, Zip: 99901–
Status: Surplus
GSA No.: 9–A–AK–0746
Reason: Interest expressed.

Arkansas

Buildings

Federal Building
Property Number: 549530004
Fed Reg Date: 09/22/95
115 South Denver Avenue
Russellville, AR, Co: Pope, Zip: 80205–
Status: Excess
GSA No.: 7–G–AR–546
Reason: Historic application.

California

Land

Receiver Site
Property Number: 549010042
Fed Reg Date: 08/11/95
Project Name: Dixon Relay Station
Dixon Relay Station
7514 Radio Station Road
Dixon, CA, Zip: 95620–9653
Status: Surplus
GSA No: 9–2–CA–1162–A
Reason: Advertised.

Receiver Site
Property Number: 549010044
Fed Reg Date: 08/11/95
Project Name: Delano Relay Station
Delano Relay Station
Route 1, Box 1350
Delano, CA, Co: Tulare, Zip: 93215–
Status: Surplus
GSA No: 9–2–CA–1308
Reason: Advertised.

Colorado

Buildings

Former AF Finance Center
Property Number: 549310011
Fed Reg Date: 08/11/95
3800 York Street
Denver, CO, Co: Denver, Zip: 80205–
Status: Excess
GSA No.: 7–GR–CO–468–D
Reason: Negotiation in progress, sale to city.

Delaware

Buildings

Regional Poultry Research Lab
Property Number: 549540001
Fed Reg Date: 12/01/95
Georgetown, DE, Co: Sussex, Zip: 19947–
Status: Excess
GSA No.: 4–A–DE–0459
Reason: Public benefit interest.

Florida

Land

Jacksonville Com. Annex
Property Number: 549520013
Fed Reg Date: 08/11/95
U.S. Highway 17
Orange Park, FL, Co: Clay, Zip: 32073–
Status: Excess
GSA No.: 4–D–FL–780
Reason: Public agency interest.

Kentucky

Buildings

Federal Building
Property Number: 549430015
Fed Reg Date: 08/11/95
4th & Main Streets
Danville, KY, Co: Boyle, Zip: 40422–
Status: Excess
GSA No.: 4–G–KY–604
Reason: Interest expressed.

Massachusetts

Buildings

Lowell Federal Building
Property Number: 549320003
Fed Reg Date: 08/11/95
50 Kearny Square
Lowell, MA, Co: Middlesex, Zip: 01854–
Status: Excess
GSA No.: 4–G–MA–778
Reason: Pending educational conveyance.

17 Single Family Residences
Property Number: 549520002
Fed Reg Date: 08/11/95
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022–
Status: Excess
Reason: Sale scheduled.

99 Duplex Residences
Property Number: 549520003
Fed Reg Date: 08/11/95
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022–
Status: Excess
Reason: Sale scheduled.

20 Fourplex Residences
Property Number: 549520004
Fed Reg Date: 08/11/95
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022–
Status: Excess
Reason: Sale scheduled.

Michigan

Buildings

Detroit Job Corps Center
Property Number: 549510002
Fed Reg Date: 08/11/95
10401 E. Jefferson & 1438 Garland;
1265 St. Clair
Detroit, MI, Co: Wayne, Zip: 42128–
Status: Surplus
GSA No.: 2–L–MI–757
Reason: Education application.

Minnesota

Buildings

Coast Guard Family Housing
Property Number: 549230007
Fed Reg Date: 08/11/95
404 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Surplus
GSA No.: 2–U–MN–503–E
Reason: Pending transfer to BIA.

Coast Guard Family Housing

Property Number: 549230008
Fed Reg Date: 08/11/95
406 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Surplus
GSA No.: 2–U–MN–503–E
Reason: Transfer to BIA.

Coast Guard Family Housing
Property Number: 549230009
Fed Reg Date: 08/11/95
408 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Surplus
GSA No.: 2–U–MN–503–E
Reason: Transfer to BIA.

Coast Guard Family Housing
Property Number: 549230010
Fed Reg Date: 08/11/95
418 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip: 56623–
Status: Surplus
GSA No.: 2–U–MN–503–E
Reason: Transfer to BIA.

Army Reserve Center
Property Number: 549330003
Fed Reg Date: 08/11/95
301 Lexington Ave. South
New Prague, MN, Co: LeSueur, Zip: 56071–
Status: Surplus
GSA No.: 4–D–MN–558
Reason: Negotiating sale.

Missouri

Land

FAA VORTAC Swiss Site
Property Number: 549530001
Fed Reg Date: 09/08/95
MO, Co: Gasconade, Zip: 65041–
Status: Excess
GSA No.: 7–W–MO–627
Reason: Advertised.

Buildings

Federal Office Building
Property Number: 549510005
Fed Reg Date: 08/11/95
911 Walnut Street
Kansas City, MO, Co: Jackson, Zip: 64106–
Status: Excess
GSA No.: 7–G–MO–0626
Reason: Advertised.

North Carolina

Buildings

Portion VA Reservation
Property Number: 549320006
Fed Reg Date: 08/11/95
Nurses Quarters
Oteen, NC, Co: Buncombe, Zip:
Status: Excess
GSA No.: 4–GR–NC–481B
Reason: Written expression of interest.

Federal Bldg.-Post Office
Property Number: 549440013
Fed Reg Date: 08/11/95
226 Carthage Street
Sanford, NC, Co: Lee, Zip: 27330–
Status: Excess
GSA No.: 4–G–NC–713
Reason: Negotiated sale to city.

Nebraska

Land

Farm Site
Property Number: 549520017
Fed Reg Date: 08/11/95
Mead, NE, Co: Saunders, Zip: 68041–
Status: Excess
GSA No.: 7–C–NE–518
Reason: Advertised.

Nevada

Buildings

5 Single Family Residences
Property Number: 549430004
Fed Reg Date: 08/11/95
Tonopah Housing Complex
Tonopah: NV, Co: Nye, Zip: 89049–
Status: Excess
GSA No.: 9–U–NV–467–C
Reason: Advertising.

Ohio

Buildings

Zanesville Federal Building
Property Number: 549520018
Fed Reg Date: 08/11/95
65 North Fifth Street
Zanesville, OH, Co: Muskingum, Zip:
Status: Excess
GSA No.: 2–G–OH–781A
Reason: City expressed interest

Pennsylvania

Buildings

Storage & Maint. Facility
Property Number: 549330004
Fed Reg Date: 8/11/95
1200 Airport Road
Hopewell, PA, Co: Beaver, Zip: 15001–
Status: Excess
GSA No.: 4–L–PA–766
Reason: Interest expressed

Tennessee

Buildings

Knoxville Job Corps Center
Property Number: 549520005
Fed Reg Date: 8/11/95
621 Dale Avenue
Knoxville, TN Co: Knox, Zip: 37921–
Status: Excess
GSA No.: 4–L–TN–641
Reason: Advertised

Federal Building-Post Office
Property Number: 549520006
Fed Reg Date: 8/11/95
Liberty and Main Streets
Jacksboro, TN, Co: Campbell,, Zip: 37757–
Status: Excess
GSA No.: 4–G–TN–639
Reason: Advertised

Federal Bldg.—Post Office
Property Number: 549520008
Fed Reg Date: 8/11/95
Main Street and Maiden Lane
Wartburg, TN, Zip: 37887–
Status: Excess
GSA No.: 4–G–TN–640
Reason: Advertised

Washington

Land

Former Stadium Homes site
Property Number: 549410005
Fed Reg Date: 8/11/95
1701 28th Avenue, South
Seattle, WA, Co: King,, Zip: 98144–
Status: Excess
GSA No.: 9–GR(1)–WA–543
Reason: Negotiated sale

Sandpoint Control Tower
Property Number: 549440003
Fed Reg Date: 8/11/95
Near 7600 Sandpoint Way, NE
Seattle, WA, Co: King, Zip: 98115–
Status: Excess
GSA No.: 9–C–WA–1069
Reason: Federal requirement

Buildings

Hanford Site, 3000 Area
Property Number: 549540007
Fed Reg Date: 12/15/95
1st Street
Richland, WA, Co: Benton,, Zip: 99352–
Status: Excess
GSA No.: 10–B–WA–523–B
Reason: Public benefit interest

West Virginia

Buildings

Point Pleasant Depot
Property Number: 549430013
Fed Reg Date: 8/11/95
State Route 35
Point Pleasant, WV, Co: Mason, Zip:
Status: Excess
GSA No.: WV0015PP
Reason: Interest expressed

Wyoming

Buildings

Ranger Dwelling #1
Property Number: 549520015
Fed Reg Date: 8/11/95
205 Spring Street
Cokeville, Way, Co: Lincoln, Zip: 83114–
Status: Excess
GSA No.: 7–A–WY–535
Reason: Public sale scheduled

Old Kelley House
Property Number: 549520016
Fed Reg Date: 8/11/95
Ranger Dwelling #2, 410 Pine Street
Cokeville, WY, Co: Lincoln, Zip: 83114–
Status: Excess
GSA No.: 7–A–WY–535–A
Reason: Public sale scheduled

Interior

Arizona

Land

Tract No. APO–SRP–RB–5
Property Number: 619410005
Fed Reg Date: 8/11/95
Mesa, AZ, Co: Maricopa, Zip: 85213–
Status: Unutilized
Reason: Disposal process

Quartermaster Depot
Property Number: 619420001
Fed Reg Date: 8/11/95
4th Avenue and Colorado River
Yuma, AZ, Co: Yuma, Zip: 85364–
Status: Unutilized
Reason: Under long term lease

ACDC Tract No. T–71A
Property Number: 619530001
Fed Reg Date: 10/20/95

Along the Arizona Canal
Glendale, AZ, Co: Maricopa, Zip: 85306–
Status: Excess
Reason: Disposal process

Tract No. OSG–1–23
Property Number: 619530012
Fed Reg Date: 9/22/95
Near McDowell Road & Bush Hwy.
Mesa, AZ, Co: Marticopa, Zip: 85207–
Status: Excess
Reason: Disposal process

California

Land

Folsom South Canal
Property Number: 619310002
Fed Reg Date: 8/11/95
SW corner of Whiterock Rd. & Folsom S Canal
Rancho Cordova, CA, Co: Sacramento, Zip: 95670–
Status: Excess
Reason: Will be reported to GSA for sale

Buildings

Brown House 07–129
Property Number: 619520030
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte,, Zip: 95531
Status: Excess
Reason: Disposal process

Crist House 07–130
Property Number: 619520031
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte, Zip: 95531–
Status: Excess
Reason: Disposal process

Dunkley House 07–127
Property Number: 619520032
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte, Zip: 95531–
Status: Excess
Reason: Disposal process

Graton House 07–125
Property Number: 619520033
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte, Zip: 95531–
Status: Excess
Reason: Disposal process

Schach House 07–105
Property Number: 619520034
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte, Zip: 95531–
Status: Excess
Reason: Disposal process

Young House 07–132
Property Number: 619520035:
Fed Reg Date: 8/11/95
Highway 199
Hiouchi, CA, Co: Del Norte, Zip: 95531–
Status: Excess
Reason: Disposal process

New Mexico

Buildings

Hornkohl Property
Property Number: 619510001
Fed Reg Date: 8/11/95
Petroglyph National Monument
Albuquerque, NM, Co: Bernalillo,, Zip: 87120–
Status: Excess
Reason: Homeless interest expressed

Virginia

Buildings

NPS Tract 422–25
Property Number: 619440002
Fed Reg Date: 8/11/95
Former White property
County Rd. 602 on Moore Run near 4–H Camp
Front Royal, VA, Co: Warren, Zip: 22630–
Status: Excess
Reason: Homeless interest expressed

Washington

Buildings

Construction Office Bldg.
Property Number: 619410002
Fed Reg Date: 8/11/95
Roosevelt Way
Coulee Dam, WA, Co: Okanogan, Zip: 99116–
Status: Excess
Reason: Leased to BIA

Wyoming

Buildings

Bldg., Seminoe Dam House
Property Number: 619530014
Fed Reg Date: 09/22/95
Seminoe Camp, WY, Co: Carbon, Zip:
Status: Excess
Reason: Disposal process

Bldg., Seminoe Dam House
Property Number: 619530015
Fed Reg Date: 09/22/95
Seminoe Camp, WY, Co: Carbon, Zip:
Status: Excess
Reason: Disposal process

Bldg., Seminoe Dam House
Property Number: 619530016
Fed Reg Date: 09/22/95
Seminoe Camp, WY, Co: Carbon, Zip:
Status: Excess
Reason: Disposal process

Navy

Florida

Land

Naval Public Works Center
Property Number 779010157
Fed Reg Date: 09/08/95
Project Name: Naval Base
Naval Air Station
Pensacola, FL Co: Escambia, Zip 32508-
Status: Unutilized
Reason: Prop. reverts to grantor when no longer needed by military.

Georgia

Land

Naval Submarine Base
Property Number: 779010255
Fed Reg Date: 09/08/95
Project Name: Naval submarine Base
Grind AA-1 to AA-4 to EE-7 to FF-2
Kings Bay, GA, Co: Camden, Zip: 31547-
Status: underutilized
Reason: Buffer area for an explosive safety arc.

Maryland

Buildings

Bldg 230
Property Number: 779330010
Fed Reg Date: 09/08/95
Naval Communication Detachment
9190 Commo Road
Cheltenham, MD, Co: Prince George, Zip: 20397–5520
Status: Unutilized
Reason: Federal need expressed

Maine

Buildings

Bldg. 376, Naval Air Station
Property Number: 779320011
Fed Reg Date: 09/08/95
Topsham Annex
Topsham, ME, Co: Sagadahoc, Zip:
Status: Unutilized
Reason: Federal need

Ohio

Buildings

Naval & Marine Corps Res. Cntr
Property Number 779320012
Fed Reg Date: 09/08/95
315 East LaClede Avenue
Youngstown, OH, Zip:
Status: Unutilized
Reason: Returning property to the City.

Puerto Rico

Buildings

Bldgs. 501 & 502
Property Number: 779530007
Fed Reg Date: 12/01/95
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz, PR, , Zip: 00795-
Status: Underutilized
Reason: Department of Defense interest

Texas

Buildings

Bldg. 2435
Property Number: 779010161
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2436
Property Number: 779010162
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2460
Property Number: 779010163
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2462
Property Number: 779010164

Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2464
Property Number: 779010165
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2466
Property Number: 779010166
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2467
Property Number: 779010167
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2468
Property Number: 779010168
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2472
Property Number: 779010169
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2476
Property Number: 779010170
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2482
Property Number: 779010171
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2495
Property Number: 779010172
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419-
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2514
Property Number: 779010173
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2518
Property Number: 779010174
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2520
Property Number: 779010175
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2522
Property Number: 779010176
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2526
Property Number: 779010177
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2423
Property Number: 779010178
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2427
Property Number: 779010179
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2431
Property Number: 779010180
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2424
Property Number: 779010181
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2433
Property Number: 779010182
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2428
Property Number: 779010183
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2429
Property Number: 779010184
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2454
Property Number: 779010185
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2477
Property Number: 779010186
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2485
Property Number: 779010187
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Bldg. 2499
Property Number: 779010188
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized

Reason: Area programmed for future use.
Bldg. 2503
Property Number: 779010189
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2507
Property Number: 779010190
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2513
Property Number: 779010191
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2521
Property Number: 779010192
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2451
Property Number: 779010193
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2458
Property Number: 779010194
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2461
Property Number: 779010195
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2473
Property Number: 779010196
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2478
Property Number: 779010197
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2480
Property Number: 779010198
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2484
Property Number: 779010199
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2486
Property Number: 779010200
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2487
Property Number: 779010201
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2488
Property Number: 779010202
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2494
Property Number: 779010203
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2500
Property Number: 779010204
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2502
Property Number: 779010205
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2506
Property Number: 779010206
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2508
Property Number: 779010207
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2525
Property Number: 779010208
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2452
Property Number: 779010209
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2475
Property Number: 779010210
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2479
Property Number: 779010211
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2497
Property Number: 779010212
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2501
Property Number: 779010213
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area

NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2505
Property Number: 779010214
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2515
Property Number: 779010215
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2517
Property Number: 779010216
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2519
Property Number: 779010217
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2523
Property Number: 779010218
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2465
Property Number: 779010219
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2493
Property Number: 779010220
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2510
Property Number: 779010221
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2474
Property Number: 779010222
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2481
Property Number: 779010223
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2509
Property Number: 779010224
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2511
Property Number: 779010225
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2512
Property Number: 779010226
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.
Bldg. 2527
Property Number: 779010227
Fed Reg Date: 09/08/95
Project Name: Laguna Housing Area
Laguna Housing Area
NAS Corpus Christi
Corpus Christi, TX, Co: Nueces, Zip: 78419–
Status: Underutilized
Reason: Area programmed for future use.

Virginia

Land

Naval Base
Property Number: 779010156
Fed Reg Date: 09/08/95
Project Name: Naval Base
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Identified for use in developing admin. office space.

Buildings

Naval Medical Clinic
Property Number: 779010109
Fed Reg Date: 09/08/95
Project Name: Naval Medical Clinic
6500 Hampton Blvd.
Norfolk, VA, Co: Norfolk, Zip: 23508–
Status: Unutilized
Reason: Planned for expansion space.

Virgin Islands

Land

Ham's Bluff Test Site
Property Number: 779530006
Fed Reg Date: 09/01/95
Freddriksted, VI, Co: St. Croix, Zip: 00840–
Status: Unutilized
Reason: Department of Defense interest

West Virginia

Buildings

Naval & Marine Corps Res. Ctr.
Property Number: 779010077
Fed Reg Date: 09/08/95
N. 13th St & Ohio River
Wheeling, WV, Co: Ohio, Zip: 26003–
Status: Excess
Reason: Government leased

VA

California

Buildings

Bldg. 116
Property Number: 979110009
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
Va Medical Center
Wilshire and Sawtelle Blvds.
Los Angeles, CA, Co: Los Angeles, Zip: 90073–
Status: Underutilized
Reason: Use negotiations underway with New Directions, Inc.

Florida

Land

Compound, VAMC
Property Number: 979230017
Fed Reg Date: 10/06/95
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Construction staging site.

Buildings

Bldg. 36, VAMC
Property Number: 979230009
Fed Reg Date: 10/06/95
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.
Bldg. 37, VAMC
Property Number: 979230010
Fed Reg Date: 10/06/95
10,000 Bay Pines Blvd.
Bay Pines, FL, Co: Pinellas, Zip: 33504–
Status: Underutilized
Reason: Dedicated to patient care purposes.

Illinois

Land

VA Medical Center
Property Number: 979010082
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
3001 Green Bay Road
North Chicago, IL, Co: Lake, Zip: 60064–
Status: Underutilized
Reason: Fully used as a staging area for major construction project.

Indiana

Buildings

Bldg. 24, VAMC
Property Number: 979230005
Fed Reg Date: 10/06/95
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Currently utilized.

Bldg. 105, VAMC
Property Number: 979230006
Fed Reg Date: 10/06/95
East 38th Street
Marion, IN, Co: Grant, Zip: 46952–
Status: Underutilized
Reason: Integral part of the security system.

Michigan

Land

VA Medical Center
Property Number: 979010015
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
5500 Armstrong Road
Battle Creek, MI, Co: Calhoun, Zip: 49016–
Status: Underutilized
Reason: Being used for patient and program activities.

Minnesota

Land

Bldg. 227–229 Land
Property Number: 979010006
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
VA Medical Center
Fort Snelling
St Paul, MN, Co: Hennepin, Zip: 55111–
Status: Underutilized
Reason: Used for recreation and parking for occupants of bldg.

VA Medical Center
Property Number: 979010024
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
Near 5629 Minnehaha Avenue
Minneapolis, MN, Co: Hennepin, Zip: 55417–
Status: Underutilized
Reason: Used for parking for employees working in buildings on-site.

Land—12 acres
Property Number: 979010031
Fed Reg Date: 10/06/95
Project Name: VAMC
VAMC
Near 5629 Minnehaha Avenue
Minneapolis, MN, Co: Hennepin, Zip: 55417–
Status: Unutilized
Reason: Licensed to Minnesota Dept. of Natural Resources.

Buildings

Bldg. 227
Property Number: 979010033
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
VA Medical Center
Fort Snelling
St Paul, MN, Co: Hennepin, Zip: 55111–
Status: Unutilized
Reason: Plans to use for housing medical center staff.

New York

Land

VA Medical Center
Property Number: 979010017
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
Fort Hill Avenue
Canandaigua, NY, Co: Ontario, Zip: 14424–
Status: Underutilized
Reason: 13 acres/Canandaigua School Dist., 14.5 acres landlocked.

Buildings

Bldg. 144, VAECC
Property Number: 979210004
Fed Reg Date: 10/06/95
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process

Bldg. 143, VAECC
Property Number: 979210005
Fed Reg Date: 10/06/95
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process

Bldgs. 142/146, VAECC
Property Number: 979210006
Fed Reg Date: 10/06/95
Linden Blvd. and 179th St.
St. Albans, NY, Co: Queens, Zip: 11425–
Status: Unutilized
Reason: Construction in process

Pennsylvania

Land

VA Medical Center
Property Number: 979010016
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
New Castle Road
Butler, PA, Co: Butler, Zip: 16001–
Status: Underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
Property Number: 979010080
Fed Reg Date: 10/06/95
Project Name: VA Medical Center
VA Medical Center
Highland Drive
Pittsburgh, PA, Co: Allegheny, Zip: 15206–
Status: Unutilized
Reason: Property is essential to security and safety of patients.

Land—34.16 acres
Property Number: 979340001
Fed Reg Date: 10/06/95
VA Medical Center
1400 Black Horse Hill Road
Coatesville, PA, Co: Chester, Zip: 19320–
Status: Underutilized
Reason: Needed for mission related functions

Buildings

Bldg. 2, VAMC
Property Number: 979230011
Fed Reg Date: 10/06/95
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction projects in progress.

Bldg. 3, VAMC
Property Number: 979230012
Fed Reg Date: 10/06/95
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction in progress.

Bldg. 103, VAMC
Property Number: 979230014
Fed Reg Date: 10/06/95
1700 South Lincoln Avenue
Lebanon, PA, Co: Lebanon, Zip: 17042–
Status: Underutilized
Reason: Construction in progress.

Wyoming

Buildings

Bldg. 13
Property Number: 979110001
Fed Reg Date: 10/06/95
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: Planned for future use—currently used for storage

Bldg. 79
Property Number: 979110003
Fed Reg Date: 10/06/95
Project Name: Medical Center
Medical Center
N.W. of town at the end of Fort Road
Sheridan, WY, Co: Sheridan, Zip: 82801–
Status: Unutilized
Reason: Va uses as a filtration plant.

[FR Doc. 96–2619 Filed 2–8–96; 8:45 am]

BILLING CODE 4210–29–M

Federal Register

Friday
February 9, 1996

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 23, et al.
Airworthiness Standards; Final Rules

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 27804; Amendment No. 23–51]

RIN 2120–AE60

Airworthiness Standards; Powerplant Rules Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the powerplant airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This amendment completes a portion of the Federal Aviation Administration (FAA) and the European Joint Aviation Authorities (JAA) effort to harmonize the Federal Aviation Regulations and the Joint Aviation Requirements (JAR) for airplanes certificated in these categories. This amendment will provide nearly uniform powerplant airworthiness standards for airplanes certificated in the United States under 14 CFR part 23 and in the JAA countries under Joint Aviation Requirements 23, simplifying international airworthiness approval.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Norman Vetter, ACE–111, Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 94–19 (59 FR 33822). All comments received in response to Notice 94–19 have been considered in adopting this amendment.

This amendment completes part of an effort to harmonize the requirements of part 23 and JAR 23. The revisions to part 23 in this amendment pertain to powerplants. Three other final rules are being issued in this Federal Register that pertain to airworthiness standards for systems and equipment flight, and airframe. These related rulemakings are also part of the harmonization effort. Interested persons should review all four final rules to ensure that all revisions to part 23 are recognized.

The harmonization effort was initiated at a meeting in June 1990 of the JAA Council (consisting of JAA members from European countries) and the FAA, during which the FAA Administrator committed the FAA to support the harmonization of the U.S. regulations with the JAR that were being developed. In response to the commitment, the FAA Small Airplane Directorate established an FAA Harmonization Task Force to work with the JAR 23 Study Group to harmonize part 23 with the proposed JAR 23. The General Aviation Manufacturers Association (GAMA) also established a JAR 23 and part 23 committee to provide technical assistance.

The FAA, JAA, GAMA, and the Association Europeene des Constructeurs de Material Aerospatial (AECMA), an organization of European airframe manufacturers, met on several occasions in a continuing harmonization effort.

Near the end of the effort to harmonize the normal, utility, and acrobatic category airplane airworthiness standards, the JAA requested and received recommendations from its member countries on proposed airworthiness standards for commuter category airplanes. Subsequent JAA and FAA meetings on this issue resulted in proposals that were reflected in Notice 94–19 to revise portions of the part 23 commuter category airworthiness standards. Accordingly, this final rule adopts the powerplant airworthiness standards for all part 23 airplanes.

In January 1991, the FAA established the Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991). At an FAA/JAA Harmonization Conference in Canada in June 1992, the FAA announced that it would consolidate the harmonization effort within the ARAC structure. The FAA assigned to ARAC the rulemakings related to JAR and part 23 harmonization, which ARAC assigned to the JAR 23/FAR 23 Harmonization Working Group. The proposals for powerplant airworthiness standards contained in Notice No. 94–19 were a result of both the working group's efforts and the efforts at harmonization that occurred before the formation of the working group.

The JAA submitted comments to the FAA on January 20, 1994, in response to the four draft proposals for harmonization of the part 23 airworthiness standards. The JAA submitted comments again during the comment period of the NPRM. At the April 26, 1995, ARAC JAR/FAR 23 Harmonization Working Group meeting, the JAA noted that many of the comments in the January 20 letter had been satisfied or were no longer relevant. The few remaining items concern issues that are considered beyond the scope of this rulemaking, and, therefore, will be dealt with at future FAA/JAA Harmonization meetings.

Discussion of Comments

General

Interested persons were invited to participate in the development of these final rules by submitting written data, views, or arguments to the regulatory docket on or before October 28, 1994. Four commenters responded to Notice 94–19. Two commenters (Transport Canada and the Air Line Pilots Association) expressed overall support for the proposed changes. The JAA stated its overall support while commenting on specific proposed changes. The fourth commenter (Beechcraft) commented on several specific sections. The specific comments of JAA and Beechcraft are discussed in detail in this document and include an FAA response and a description of any changes to the final rule language. Other minor technical and editorial changes have been made to the proposed rules based on relevant comments received, consultation with the ARAC, and further review by the FAA.

Discussion of Amendments

Section 23.777 Cockpit Controls

The FAA proposed to revise § 23.777(c)(2) so that for single-engine airplanes designed for a single cockpit occupant, the powerplant controls would be located in the same position as they are for airplanes with tandem seats.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.779 Motion and Effect of Cockpit Controls

The FAA proposed to revise § 23.779(b)(1) by adding a new item, ''fuel,'' to the ''motion and effect'' table to require that any fuel shutoff control other than mixture must move forward to open.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.901 Installation

The FAA proposed to revise § 23.901(d)(1), which concerns turbine engine installation and vibration characteristics that do not exceed those established during the type certification of the engine. The FAA proposed to add the word ''carcass'' before vibration in this paragraph in order to restrict analyses to those vibrations that are caused by external excitation to the

main engine frame or ''carcass.'' While the word ''carcass'' has not traditionally been used in this context in the United States, it is used in Europe and was proposed in the interest of harmonization.

The FAA proposed to revise § 23.901(d)(2) by deleting the last sentence, which reads: ''The engine must accelerate and decelerate safely following stabilized operations under these rain conditions.'' This requirement is already provided for in the first sentence of paragraph (d)(2), which states that the turbine engine must be constructed and arranged to provide ''continued safe operation.''

The FAA proposed to revise paragraph (e) of this section by adding the word ''powerplant'' in front of ''installation'' to make clear that it pertains to all powerplant installations. The FAA proposed to revise paragraph (e)(1) by adding the word ''installation'' in front of ''instruction'' to make clear which instructions are applicable.

The FAA proposed that new paragraph (e)(1)(i) contain the requirement for an engine type certificate currently set forth in paragraph (e)(1). The FAA proposed that paragraph (e)(1)(ii) continue the current requirement for a propeller type certificate, and to allow an equivalency finding for certain propellers not type certificated in the United States. This revision was proposed to be consistent with the proposed revisions to § 23.905, Propellers.

No comments were received on the proposals. However, as discussed below, the FAA has determined that the proposed amendment to § 23.905(a) concerning propellers should be withdrawn. Consequently, proposed revisions to § 23.901(e) are no longer appropriate and are being withdrawn.

The proposal is adopted with the above change.

Section 23.903 Engines

The FAA proposed to revise § 23.903 (c) and (g) by adding the headings ''Engine isolation'' and ''Restart capability,'' respectively, in order to identify the subjects of these paragraphs as is done for the other paragraphs in this section. The FAA also proposed to change the heading of paragraph (f) from ''Restart capability'' to ''Restart envelope'' since the paragraph addresses the altitude and airspeed envelope for restarting the engines in flight.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.905 Propellers

The FAA proposed to revise § 23.905(a) to permit approval, on part 23 airplanes, of propellers by a means other than the currently required type certificate.

Comment: Beechcraft objects to what it characterizes as ''an unknown method of compliance.'' Beechcraft states that it appears that the economic burden of certification would be placed on the end user of the propeller without any guidance as to the means of compliance. Beechcraft asserts that experience indicates that equivalent level of safety findings are very subjective, that propellers would be certificated to various standards, and that this creates a liability for the aircraft manufacturer. Beechcraft believes that uniform airworthiness standards should be maintained and that ''an aircraft manufacturer could not, for economic and liability reasons, afford to purchase a propeller without a type certificate, U.S. or foreign.''

FAA Response: The FAA re-evaluated the proposal and determined that public interest would be best served if the proposal were withdrawn. Therefore, the FAA is withdrawing the proposal and will consider it for future rulemaking action.

Section 23.907 Propeller Vibration

The FAA proposed to revise § 23.907(a) to require that propellers ''other than a conventional fixed-pitch wooden propeller'' be evaluated for vibration. Fixed-pitch wooden propellers are not highly stressed, as are all metal and most composite propeller blades.

No comments were received on this proposal and it is adopted as proposed.

Section 23.925 Propeller Clearance

The FAA proposed to revise § 23.925 to require that propeller clearance must be evaluated with the airplane at the most adverse combination of weight and center of gravity, and with the propeller in the most adverse pitch position. This revision would make the requirement consistent with current certification practice.

Comment: The JAA pointed out that, under the JAR, the clearances provided in this section are intended to represent minimum values and that it had previously rejected the introductory text language that states ''Unless smaller clearances are substantiated * * *.''

FAA Response: The language quoted by the JAA is in present § 23.925 and would not be affected by the proposed change. The FAA acknowledges that the introductory language cited by the JAA has been previously identified as an area of known disharmony between the two sets of regulations that would not be affected by the proposed revisions.

No comments other than the JAA acknowledgment of disharmony were received on the changes proposed for this section in Notice 94–19, and the proposal is adopted as proposed.

Section 23.929 Engine Installation Ice Protection

The FAA proposed to replace the word ''power'' in § 23.929 in the phrase ''without appreciable loss of power'' with the word ''thrust'' because ''thrust'' is more descriptive of the loss experienced when ice forms on a propeller.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.933 Reversing Systems

The FAA proposed to revise § 23.933(a)(1) so that these provisions correspond to the turbojet and turbofan reversing system airworthiness standards of part 25.

The FAA also proposed to delete as unnecessary the word ''forward'' from paragraph (a)(3).

No comments were received on the proposals, and they are adopted as proposed.

Section 23.955 Fuel Flow

The FAA proposed to revise § 23.955(a) by deleting the word ''and'' where it occurs between the subparagraphs. Each of the four paragraphs is independent and all of them apply under paragraph (a).

The FAA also proposed to revise § 23.955(a)(3) by adding the word ''probable'' so that the requirement would read as follows: ''If there is a flow meter without a bypass, it must not have any probable failure mode * * *.'' The addition of the word ''probable'' would clarify the intent of the requirement that only probable failures need be analyzed.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.959 Unusable Fuel Supply

The FAA proposed that the text of § 23.959 be redesignated as paragraph (a), and proposed the addition of a new paragraph (b) to require that the effect of any fuel pump failure on the unusable fuel supply be established. This change would not require any change in the fuel quantity indicator marking required by § 23.1553.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.963 Fuel Tanks: General

The FAA proposed to clarify § 23.963(b), which concerns fuel tank liners, by replacing the phrase ''must be of an acceptable kind'' with the phrase ''must be shown to be suitable for the particular application.'' Also, the FAA proposed to revise the cross reference in this section to coincide with the proposed revision of § 23.959 discussed above.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.965 Fuel Tank Tests

The FAA proposed to revise § 23.965(b)(3)(i) by changing the phrase ''the test frequency of vibration cycles per minute is obtained by * * *'' to ''the test frequency of vibration is the number of cycles per minute obtained by * * *'' to clarify that it is the number of cycles per minute that is to be used during testing of a fuel tank.

No comments were received on the proposal. After further review of the proposal, however, the FAA determined that the second portion of paragraph (b)(3)(i), which includes the test frequency vibration cycles, should be redesignated as paragraphs (b)(3)(i) (A) and (B), and that the phrase ''except that'' should be removed and the word ''and'' added in its place. This would not be a substantive revision.

The proposal is adopted with the above change.

Section 23.973 Fuel Tank Filler Connection

The FAA proposed to revise § 23.973(f) by removing the language that limits its applicability so that the regulation would apply to all airplanes with turbine engines, including turbine engines that are equipped with pressure fueling systems.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.975 Fuel Tank Vents and Carburetor Vents

The FAA proposed to revise the first sentence of § 23.975(a)(5) to clarify that there may be no point in any vent line where moisture can accumulate unless drainage is provided. The FAA explained that the intent of this requirement is to allow low spots in the fuel tank vent system if a drain is provided for each low spot.

Comment: No comments were received concerning the proposed revision of the first sentence of § 23.975(a)(5). However, the JAA submitted a comment on the second sentence, for which no change was proposed. That sentence currently reads, ''Any drain valve installed in the vent lines must discharge clear of the airplane and be accessible for drainage.'' The JAA's comment is threefold. First, JAA states that, in smaller, less complex part 23 airplanes, whether a vent will remain clear in all phases of operation cannot be guaranteed. Second, JAA states that, on more complex part 23 airplanes, ''considerations of inaccessibility during operation of an aircraft when the need for a drain valve has been considered essential, has very often resulted in the acceptance of automatic valves that drain back into the fuel tank.'' Finally, JAA states that drainage/discharge clear of the airplane is not in accord with environmental concerns.

FAA Response: The FAA has concluded after reviewing the JAA comment and after discussions within the ARAC working group that further clarification of this drainage requirement is appropriate, since the rule language was never intended to limit discharge to an external drain valve. Therefore, the last sentence of § 23.975(a)(5), as adopted, reads ''Any drain valve installed must be accessible for drainage.''

Section 23.979 Pressure Fueling Systems

The FAA proposed to revise § 23.979(b) to require, for commuter category airplanes, an indication at each fueling station of failure of the automatic shutoff means. This revision would make the commuter category automatic shutoff means requirements similar to the requirements for transport category airplanes in § 25.979.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1001 Fuel Jettisoning System

The FAA proposed to revise § 23.1001(b)(2) to redefine the speed at which the fuel jettisoning system tests should be conducted by referencing § 23.69(b). The JAA states that a comparable change will be made to JAR 23.

No other comments were received, and this proposal is adopted as proposed.

Section 23.1013 Oil Tanks

The FAA proposed to delete the word ''crankcase'' in § 23.1013(d)(1) to make this paragraph applicable to all engine installations.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1041 General

The FAA proposed to revise § 23.1041, under the ''Cooling'' heading, to require, for all airplanes regardless of engine type, a demonstration of adequate cooling at one maximum ambient atmosphere temperature for which approval is requested.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1043 Cooling Tests

The FAA stated in the preamble to Notice 94–19 that it proposed to revise § 23.1043(a)(3) to show that the minimum grade fuel requirement applies to both turbine and reciprocating engines and that the lean mixture requirement applies to reciprocating engines only.

The FAA proposed to simplify the introductory text of paragraph (a) by deleting the requirement that compliance must be shown ''under critical ground, water, and flight operating conditions to the maximum altitude for which approval is requested'' since this requirement is already contained in § 23.1041.

The FAA proposed to improve the organization of the section by moving to paragraph (a)(4) the requirement in the introductory text of paragraph (a) that for turbocharged engines, each turbocharger must be operated through the part of the climb profile for which turbocharger operation is requested.

The FAA proposed a non-substantive change to paragraph (a)(1) to make it consistent with proposed changes to § 23.1041.

The FAA proposed to reword paragraph (a)(2) without substantive change to make this language identical to the JAR.

The FAA proposed to revise paragraph (a)(3) to clarify that the requirement for mixture settings applies to reciprocating engines and that the mixture settings must be the leanest recommended for the climb. The FAA pointed out that the ''leanest recommended for climb'' mixture setting is considered a normal operating condition.

The FAA proposed to remove paragraph (a)(5) because water taxi tests are already required by § 23.1041 as amended by Amendment 23–43 (58 FR 18958, April 9, 1993).

The FAA proposed to revise paragraphs (c) and (d) by adding the requirement that cooling correction factors be determined for the appropriate altitude. This proposed change was intended to codify current certification practice and increase safety by ensuring that the proper correction factor is determined.

Comment: Beechcraft comments that the minimum fuel requirement of present paragraph (a)(3) should be deleted for turbine engines since there are not real measurable differences for turbine engine fuel as there are for reciprocating engine fuel.

FAA Response: The proposed rule did not contain any change to the minimum fuel grade requirements and the preamble statement may be unclear. The FAA agrees with the Beechcraft statement that today, turbine engine fuels are not graded. Since no change was proposed in this wording in the NPRM and since the present wording has not effect on the use of turbine engine fuels, no change is made for this final rule. However, after discussion within the ARAC Working Group, the FAA has determined that paragraph (a)(3) can be clarified by moving the second part of the sentence concerning mixture settings for reciprocating engines to a new paragraph (a)(5). This is not considered a substantive change to the proposed language, but a clarification of a current requirement.

The only comment received on the changes proposed for § 23.1043 concerned paragraph (a)(3), and that paragraph is adopted as explained above. The remaining changes are adopted as proposed.

Section 23.1045 Cooling Test Procedures for Turbine Engine Powered Airplanes

The FAA proposed to clarify § 23.1045(a) by stating more generally that (1) compliance with § 23.1041 must be shown for all phases of operations, not only the four listed phases: takeoff, climb, enroute, and landing; and that (2) the airplane must be flown in the configuration, at the speeds, and following the procedures recommended in the Airplane Flight Manual for the relative stage of flight that corresponds to the applicable performance requirements critical to cooling.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.1047 Cooling Test Procedures for Reciprocating Engine Powered Airplanes

The FAA proposed to revise the cooling test procedures in § 23.1047 for reciprocating engine powered airplanes by deleting the specific procedures because experience has shown that some of the listed detailed procedures are not directly applicable to certain engine configurations and certain operating conditions.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1091 Air Induction System

The FAA proposed to revise § 23.1091(c)(2) to require that air induction system design protect against foreign matter, from whatever source, ''during takeoff, landing, and taxiing'' rather than be limited, as is the present rule, to foreign material located on the runway, taxiway, or other airport operating surfaces.

Comment: Beechcraft comments that increasing the scope of the foreign material environment poses very difficult technical questions and potentially costly solutions. Beechcraft states that it is extremely difficult to compensate for and protect against airborne debris and also states its concern that the proposed rule language gives no guidance as to the levels of protection that are necessary.

FAA Response: As stated in the NPRM preamble, the proposed language is consistent with current certification practice and, therefore, would not be a significant new burden on aircraft manufacturers. However, it was not the FAA's intent to create an opportunity for an extreme interpretation of this rule, as suggested by Beechcraft. To clarify the intent, and after discussion within the ARAC Working Group, the FAA has added the words ''hazard of'' to the second sentence of § 23.1091(c)(2) to make it clear that the intent of the rule is to minimize the hazard of ingestion of foreign matter rather than to require zero ingestion.

This proposal is adopted with the change explained above.

Section 23.1093 Induction System Icing Protection

The FAA proposed to revise § 23.1093(c) by adding the heading ''Reciprocating engines with superchargers'' so that this paragraph would be consistent with paragraphs (a) and (b) of this section, which have headings.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1105 Induction System Screens

The FAA proposed to revise § 23.1105 to include fuel injection systems, since some reciprocating engines incorporate a fuel injection system and the same provisions required for a carburetor are necessary for a fuel injection system.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1107 Induction System Filters

The FAA proposed to revise the introductory text of § 23.1107 by deleting the reference to reciprocating engine installations to make the section applicable to airplanes with either reciprocating or turbine engines.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1121 General

The FAA proposed to revise § 23.1121(g) by adding standards for APU exhaust systems because these standards were overlooked when APU standards were introduced into part 23 by Amendment 23–43 (58 FR 18958, April 9, 1993).

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1141 Powerplant Controls: General

The FAA proposed to clarify § 23.1141(b), which concerns flexible controls, by replacing the phrase ''must be of an acceptable kind'' with the phrase ''must be shown to be suitable for the particular application.''

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1143 Engine Controls

The FAA proposed to revise § 23.1143(f) to add a requirement that a fuel control (other than a mixture control) must have a means to prevent the inadvertent movement of the control into the shutoff position.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1153 Propeller Feathering Controls

The FAA proposed to revise § 23.1153 to require that it be possible to feather each propeller separately, in order to prevent inadvertent operation.

After further review of the proposal, the FAA decided to remove the phrase ''whether or not they are separate from the propeller speed and pitch controls'' and add the word ''installed'' in its place. The meaning is maintained without the deleted phrase, which would be redundant.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1181 Designated Fire Zones; Regions Included

The FAA proposed new § 23.1181(b)(3) to add as a designated fire zone for turbine engines ''any complete powerplant compartment in which there is no isolation between compressor, accessory, combustor, turbine and tailpipe sections.''

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1183 Lines, Fittings, and Components

The FAA proposed to clarify the intent of § 23.1183(a), which concerns the approval of flexible hose assemblies, by replacing the word ''approved'' with the words ''shown to be suitable for the particular application.''

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1191 Firewalls

The FAA proposed to amend § 23.1191(b) to require that each ''firewall or shroud must be constructed so that no hazardous quantity of liquid, gas, or flame can pass from the compartment created by the firewall or shroud to other parts of the airplane.'' The intent of the proposed change was to clarify that the requirement applies to any compartment created by a firewall or shroud.

Comment: The JAA states that the additional wording proposed to be added to paragraph (b) is superfluous and will not be proposed for JAR 23.

FAA Response: The FAA has determined that the proposed change to § 23.1191(b) is needed to retain the intent of the rule and that it will not create a technical disharmony between the two bodies of regulation.

This proposal is adopted as proposed.

Section 23.1203 Fire Detector System

The FAA proposed to revise § 23.1203(e), which concerns the wiring and other components of each fire detector system in an engine compartment, by replacing the words ''fire zone'' with ''designated fire zone'' to make the wording consistent with § 23.1181.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1305 Powerplant Instruments

The FAA proposed to revise § 23.1305(b)(3), concerning cylinder head temperature indicators, by deleting paragraph (b)(3)(ii), which refers to compliance with § 23.1041 at a speed higher than V_Y, to be consistent with a general deletion of the requirements for a determination of the V_Y speed.

No comments were received on the proposal. However, after further review, the FAA has determined that it would be simpler to remove the text of paragraph (b)(3)(ii) and to reserve paragraph (b)(3)(ii) for future use in order to avoid confusion that could come from redesignation of paragraph (b)(3)(iii).

The proposal is adopted as explained above.

Section 23.1337 Powerplant Instruments

The FAA proposed to change the reference in § 23.1337(b) to ''§ 23.959'' to ''§ 23.959(a)'' to conform the reference to a revision of § 23.959 made elsewhere in this document.

No comments were received on the proposal, and it is adopted as proposed.

Regulatory Evaluation, Regulatory Flexibility Determination, and Trade Impact Assessment

Changes to federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these assessments, the FAA has determined that this rule: (1) Will generate benefits exceeding its costs and is ''significant'' as defined in Executive Order 12866; (2) is ''significant'' as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Comments Related to the Economics of the Proposed Rule

Two comments were received regarding the economic impact of the proposals; one concerning an existing regulation (§ 23.1043 Cooling tests) and one concerning a new proposal (§ 23.1091 Air induction systems). Both of these comments, as well as the FAA's responses, are included above in the section ''Discussion of Amendments.''

Regulatory Evaluation Summary

The FAA has determined that the benefits of the final rule, though not directly quantifiable, will exceed the expected costs. Minor costs, ranging from $240 to $6,000 per certification, are projected for four of the provisions. No costs are attributed to the other provisions. The benefits of the final rule are considered below in four categories: (1) Harmonization, (2) safety, (3) reduced need for special conditions, and (4) clarification.

Harmonization

These changes, in concert with other rulemaking and policy actions, will provide nearly uniform powerplant airworthiness standards for airplanes certificated in the United States and the JAA member countries. The resulting greater uniformity of standards simplifies airworthiness approval for import and export purposes.

Safety

In addition to the harmonization benefits, five provisions of the rule provide additional safety benefits. First, the final rule revises § 23.933(a)(1) to more closely agree with the corresponding turbojet and turbofan reversing system airworthiness standards of part 25. The FAA estimates that this provision will necessitate an additional 100 hours of failure mode and effects analysis at an assumed cost rate of $60 per hour, including labor and overhead. The estimated $6,000 cost applies to each certification. The FAA projects that no additional production or operating costs will result from this provision.

The primary potential benefit of the provision is the additional safety that could result from analyzing the feasible range of reverser system failures, the effects of those failures, and the corresponding capabilities necessary to correct the failure or circumvent its effects. Such an analysis could reduce the possibility that an unanticipated condition with catastrophic potential would remain in the system. In addition to the safety benefit, it is expected that operating benefits and manufacturing economies will result from the uniformity of standards between parts 23 and 25. The FAA is not able to quantify the potential benefits of this provision but has determined that the benefits will exceed the expected minor costs.

Second, the final rule adds a new paragraph (b) to § 23.959 requiring that the effect of any fuel pump failure on the unusable fuel supply be determined. Though not previously required, it has been industry practice to include this information in the Airplane Flight Manual. The FAA estimates that the nominal cost of making this determination will be $240 per certification (4 hours at $60 per hour). In addition, an insignificant cost ($1) will be incurred in adding a table entry to the manual for each airplane that is produced. The fact that this requirement is already standard practice supports the FAA's position that the potential benefit of the provision exceed the minor costs. The safety benefits of this provision

derive from the assurance that this vital information will continue to be provided for future airplane models.

Third, under § 23.979, the final rule adds the requirement for commuter category airplanes that an indication be provided at each fueling station in the event of a failure of the shutoff means to stop fuel flow at the maximum level. The FAA estimates that the required device will necessitate an incremental design and development cost of $3,000 per certification (50 hours at $60 per hour) and an additional nominal manufacturing cost of $10 per airplane. The benefit of the provision is the avoidance of a potentially catastrophic condition whereby excess fuel could unknowingly be forced out of the contained fuel system by the pressure fueling system. The FAA has determined that these potential benefits will exceed the minor associated costs.

Fourth, § 23.1041 establishes the requirement that the powerplant cooling system must be able to maintain the temperature of the powerplant components and fluids. The ambient temperature for testing reciprocating engine airplanes is currently required to be corrected to show the capacity of the cooling system at 100°F. Under the amendment, this temperature standard is revised to the ''maximum ambient temperature conditions for which approval is requested.''

No costs are attributed to this provision. Reciprocating engine airplane manufacturers will continue to have the option to request approval for operations at the existing 100°F temperature. A decision to request approval for a higher temperature would necessitate demonstration of the capability of the cooling system at that temperature. That choice, however, will be made at the manufacturer's discretion and will be based on its decision that any associated incremental cooling system costs would be recovered in the marketplace or offset by other considerations. The potential benefit of this provision is the reduced likelihood that an inadequate cooling system would be relied on during high temperature operations.

Finally, paragraph (a) of § 23.1045 is revised to state more generally that compliance with the cooling margin requirements of § 23.1041 must be shown for all phases of operation, as compared to the four phases of flight currently listed. In effect, the amendment adds the taxi phase.

The FAA estimates that the specific addition of the taxi phase will necessitate an incremental 5 hours of engineering analysis valued at $60 per hour, for a total of $300 per certification. The potential benefit of this provision is the enhanced safety that could result from evaluating the efficacy of the cooling system during the taxi phase of operation. In the taxi phase of operation, engine power settings and heat production may be generally lower than that experienced during flight, but available air circulation might also be lower. The heat mechanics of the two conditions are distinct and warrant separate evaluation. The FAA has determined that the potential benefits of this provision will exceed the nominal associated costs.

Reduced Need for Special Conditions

The final rule includes five provisions that will replace the need for ''special conditions'' processing of certain parts or materials that were previously considered as novel or unusual design features. The subjects of these provisions include composite propellers, fuel injection systems for reciprocating engines, induction filters on turbine engines, fuel shutoff controls other than mixture controls, and auxiliary power units. No additional costs are attributed to these provisions. Formalization of the equivalent safety standards and requirements for these subjects obviates the need for special conditions actions and simplifies the certification process for manufacturers.

Clarification

Several unclear provisions of part 23 were revealed during the harmonization review. In response to this finding, the final rule includes a number of no-cost, editorial revisions that clarify the existing requirements. These changes benefit manufacturers by removing potential confusion about the specific standards and requirements necessary for certification.

In summary, the FAA has determined that each of the amendments, as well as the final rule as a whole, will be cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on implementing FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessment

The final rule will not constitute a barrier to international trade, including the export of American airplanes to foreign countries and the import of foreign airplanes into the United States. Instead, the amended powerplant airworthiness standards have been harmonized with foreign aviation authorities and will reduce restraints on trade.

Federalism Implications

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

Conclusion

The FAA is revising the airworthiness standards to provide propulsion standards for normal, utility, acrobatic, and commuter category airplanes to harmonize them with the standards that have been adopted for the same category airplanes by the Joint Aviation Authorities in Europe. The revisions will reduce the regulatory burden on the United States and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in the United States or in a country that is a member of the JAA.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation, the FAA has determined that this rule is significant under Executive Order 12866. In addition, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A regulatory evaluation of the rule has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 23 as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

§ 23.777 [Amended]

2. Section 23.777(c)(2) is amended by adding the words ''single and'' between the words ''for'' and ''tandem''.

3. The table in § 23.779(b)(1) is amended by adding a new item between the items ''mixture'' and ''carburetor air heat or alternate air'' to read as follows:

§ 23.779 Motion and effect of cockpit controls.

* * * * *

(b) * * *

	Motion and effect
(1) *Powerplant controls:*	
* * * * *	
Fuel	Forward for open.
* * * * *	

4. Section 23.901 is amended by revising paragraphs (d)(1) and (d)(2) to read as follows:

§ 23.901 Installation.

* * * * *

(d) * * *

(1) Result in carcass vibration characteristics that do not exceed those established during the type certification of the engine.

(2) Provide continued safe operation without a hazardous loss of power or thrust while being operated in rain for at least three minutes with the rate of water ingestion being not less than four percent, by weight, of the engine induction airflow rate at the maximum installed power or thrust approved for takeoff and at flight idle.

* * * * *

5. Section 23.903 is amended by adding headings to paragraphs (c) and (g), and by revising the heading of paragraph (f) to read as follows:

§ 23.903 Engines.

* * * * *

(c) *Engine isolation.* * * *

* * * * *

(f) *Restart envelope.* * * *

(g) *Restart capability.* * * *

§ 23.907 [Amended]

6. Section 23.907(a) introductory text is amended by removing the phrase ''with metal blades or highly stressed metal components'' and adding the phrase ''other than a conventional fixed-pitch wooden propeller'' in its place.

7. Section 23.925 introductory text is revised to read as follows:

§ 23.925 Propeller clearance.

Unless smaller clearances are substantiated, propeller clearances, with the airplane at the most adverse combination of weight and center of gravity, and with the propeller in the most adverse pitch position, may not be less than the following:

* * * * *

§ 23.929 [Amended]

8. Section 23.929 is amended by removing the word ''power'' and adding, in its place, the word ''thrust''.

9. Section 23.933 is amended by removing the word ''forward'' in the two instances in which it is used in paragraph (a)(3); by removing the reference in paragraph (b)(2) that reads ''(a)(1)'' and adding the reference ''(b)(1)'' in its place; and by revising paragraph (a)(1) to read as follows:

§ 23.933 Reversing systems.

(a) * * *

(1) Each system intended for ground operation only must be designed so that, during any reversal in flight, the engine will produce no more than flight idle thrust. In addition, it must be shown by analysis or test, or both, that—

(i) Each operable reverser can be restored to the forward thrust position; or

(ii) The airplane is capable of continued safe flight and landing under any possible position of the thrust reverser.

* * * * *

10. Section 23.955 is amended by revising paragraphs (a)(1) through (a)(4) to read as follows:

§ 23.955 Fuel flow.

(a) * * *

(1) The quantity of fuel in the tank may not exceed the amount established as the unusable fuel supply for that tank under § 23.959(a) plus that quantity necessary to show compliance with this section.

(2) If there is a fuel flowmeter, it must be blocked during the flow test and the fuel must flow through the meter or its bypass.

(3) If there is a flowmeter without a bypass, it must not have any probable failure mode that would restrict fuel flow below the level required for this fuel demonstration.

(4) The fuel flow must include that flow necessary for vapor return flow, jet pump drive flow, and for all other purposes for which fuel is used.

* * * * *

11. Section 23.959 is amended by designating the current text of the section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 23.959 Unusable fuel supply.

* * * * *

(b) The effect on the usable fuel quantity as a result of a failure of any pump shall be determined.

12. Section 23.963 is amended by removing the reference in paragraph (e) that reads ''§ 23.959'' and adding the reference ''§ 23.959(a)'' in its place, and by revising paragraph (b) to read as follows:

§ 23.963 Fuel tanks: general.

* * * * *

(b) Each flexible fuel tank liner must be shown to be suitable for the particular application.

* * * * *

13. Section 23.965 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 23.965 Fuel tank tests.

* * * * *

(b) * * *

(3) * * *

(i) If no frequency of vibration resulting from any rpm within the normal operating range of engine or propeller speeds is critical, the test frequency of vibration is:

(A) The number of cycles per minute obtained by multiplying the maximum continuous propeller speed in rpm by 0.9 for propeller-driven airplanes, and

(B) For non-propeller driven airplanes the test frequency of vibration is 2,000 cycles per minute.

* * * * *

14. Section 23.973(f) is revised to read as follows:

§ 23.973 Fuel tank filler connection.

* * * * *

(f) For airplanes with turbine engines, the inside diameter of the fuel filler opening must be no smaller than 2.95 inches.

15. Section 23.975(a)(5) is revised to read as follows:

§ 23.975 Fuel tank vents and carburetor vapor vents.

(a) * * *

(5) There may be no point in any vent line where moisture can accumulate with the airplane in either the ground or level flight attitudes, unless drainage is

provided. Any drain valve installed must be accessible for drainage;

* * * * *

16. Section 23.979(b) is revised to read as follows:

§ 23.979 Pressure fueling systems.

* * * * *

(b) An automatic shutoff means must be provided to prevent the quantity of fuel in each tank from exceeding the maximum quantity approved for that tank. This means must—

(1) Allow checking for proper shutoff operation before each fueling of the tank; and

(2) For commuter category airplanes, indicate at each fueling station, a failure of the shutoff means to stop the fuel flow at the maximum quantity approved for that tank.

* * * * *

17. Section 23.1001(b)(2) is revised to read as follows:

§ 23.1001 Fuel jettisoning system.

* * * * *

(b) * * *

(2) A climb, at the speed at which the one-engine-inoperative enroute climb data have been established in accordance with § 23.69(b), with the critical engine inoperative and the remaining engines at maximum continuous power; and

* * * * *

§ 23.1013 [Amended]

18. Section 13.1013(d)(1) is amended by removing the word ''crankcase''.

§ 23.1041 [Amended]

19. Section 23.1041 is amended by adding the phrase ''and maximum ambient atmospheric temperature conditions'' between the phrases ''maximum altitude'' and ''for which approval''.

20. Section 23.1043 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 23.1043 Cooling tests.

(a) *General.* Compliance with § 23.1041 must be shown on the basis of tests, for which the following apply:

(1) If the tests are conducted under ambient atmospheric temperature conditions deviating from the maximum for which approval is requested, the recorded powerplant temperatures must be corrected under paragraphs (c) and (d) of this section, unless a more rational correction method is applicable.

(2) No corrected temperature determined under paragraph (a)(1) of this section may exceed established limits.

(3) The fuel used during the cooling tests must be of the minimum grade approved for the engine.

(4) For turbocharged engines, each turbocharger must be operated through that part of the climb profile for which operation with the turbocharger is requested.

(5) For a reciprocating engine, the mixture settings must be the leanest recommended for climb.

* * * * *

(c) *Correction factor (except cylinder barrels).* Temperatures of engine fluids and powerplant components (except cylinder barrels) for which temperature limits are established, must be corrected by adding to them the difference between the maximum ambient atmospheric temperature for the relevant altitude for which approval has been requested and the temperature of the ambient air at the time of the first occurrence of the maximum fluid or component temperature recorded during the cooling test.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures must be corrected by adding to them 0.7 times the difference between the maximum ambient atmospheric temperature for the relevant altitude for which approval has been requested and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

21. Section 23.1045(a) is revised to read as follows:

§ 23.1045 Cooling test procedures for turbine engine powered airplanes.

(a) Compliance with § 23.1041 must be shown for all phases of operation. The airplane must be flown in the configurations, at the speeds, and following the procedures recommended in the Airplane Flight Manual for the relevant stage of flight, that correspond to the applicable performance requirements that are critical to cooling.

* * * * *

22. Section 23.1047 is revised to read as follows:

§ 23.1047 Cooling test procedures for reciprocating engine powered airplanes.

Compliance with § 23.1041 must be shown for the climb (or, for multiengine airplanes with negative one-engine-inoperative rates of climb, the descent) stage of flight. The airplane must be flown in the configurations, at the speeds and following the procedures recommended in the Airplane Flight Manual, that correspond to the applicable performance requirements that are critical to cooling.

23. Section 23.1091(c)(2) is revised to read as follows:

§ 23.1091 Air induction system.

* * * * *

(c) * * *

(2) The airplane must be designed to prevent water or slush on the runway, taxiway, or other airport operating surfaces from being directed into the engine or auxiliary power unit air intake ducts in hazardous quantities. The air intake ducts must be located or protected so as to minimize the hazard of ingestion of foreign matter during takeoff, landing, and taxiing.

§ 23.1093 [Amended]

24. Section 23.1093 is amended by adding the heading *''Reciprocating engines with Superchargers''* to paragraph (c).

25. Section 23.1105(a) is revised to read as follows:

§ 23.1105 Induction system screens.

* * * * *

(a) Each screen must be upstream of the carburetor or fuel injection system.

* * * * *

26. Section 23.1107 introductory text is revised to read as follows:

§ 23.1107 Induction system filters.

If an air filter is used to protect the engine against foreign material particles in the induction air supply—

* * * * *

27. Section 23.1121(g) is revised to read as follows:

§ 23.1121 General.

* * * * *

(g) If significant traps exist, each turbine engine and auxiliary power unit exhaust system must have drains discharging clear of the airplane, in any normal ground and flight attitude, to prevent fuel accumulation after the failure of an attempted engine or auxiliary power unit start.

* * * * *

28. Section 23.1141(b) is revised to read as follows:

§ 23.1141 Powerplant controls: general.

* * * * *

(b) Each flexible control must be shown to be suitable for the particular application.

* * * * *

29. Section 23.1143(f) is amended by revising the introductory text to read as follows:

§ 23.1143 Engine controls.

* * * * *

(f) If a power, thrust, or a fuel control (other than a mixture control)

incorporates a fuel shutoff feature, the control must have a means to prevent the inadvertent movement of the control into the off position. The means must—

* * * * *

30. Section 23.1153 is revised to read as follows:

§ 23.1153 Propeller feathering controls.

If there are propeller feathering controls installed, it must be possible to feather each propeller separately. Each control must have a means to prevent inadvertent operation.

31. Section 23.1181 is amended by adding a new paragraph (b)(3) to read as follows:

§ 23.1181 Designated fire zones; regions included.

* * * * *

(b) * * *

(3) Any complete powerplant compartment in which there is no isolation between compressor, accessory, combustor, turbine, and tailpipe sections.

* * * * *

§ 23.1183 [Amended]

32. Section 23.1183(a) is amended by removing the word ''approved'' in the next to the last sentence, and adding the phrase ''shown to be suitable for the particular application'' in its place.

33. Section 23.1191(b) is revised to read as follows:

§ 23.1191 Firewalls.

* * * * *

(b) Each firewall or shroud must be constructed so that no hazardous quantity of liquid, gas, or flame can pass from the compartment created by the firewall or shroud to other parts of the airplane.

* * * * *

34. Section 23.1203(e) is revised to read as follows:

§ 23.1203 Fire detector system.

* * * * *

(e) Wiring and other components of each fire detector system in a designated fire zone must be at least fire resistant.

* * * * *

§ 23.1305 [Amended]

35. Section 23.1305(b)(3)(ii) is removed and reserved.

§ 23.1337 [Amended]

36. Section 23.1337(b)(1) is amended by removing the reference ''§ 23.959'' and adding the reference ''§ 23.959(a)'' in its place.

Issued in Washington, DC, on January 29, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–2084 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration

14 CFR Part 23

[Docket No. 27805; Amendment No. 23–48]

RIN 2120–AE62

Airworthiness Standards; Airframe Rules Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the airframe airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This amendment completes a portion of the Federal Aviation Administration (FAA) and the European Joint Aviation Authorities (JAA) effort to harmonize the Federal Aviation Regulations and the Joint Aviation Requirements (JAR) for airplanes certificated in these categories. This amendment will provide nearly uniform airframe airworthiness standards for airplanes certificated in the United States under 14 CFR part 23 and in the JAA countries under Joint Aviation Requirements 23, simplifying international airworthiness approval.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Payauys, ACE–111, Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 94–20 (59 FR 35196, July 8, 1994). All comments received in response to Notice 94–20 have been considered in adopting this amendment.

This amendment completes part of an effort to harmonize the requirements of part 23 and JAR 23. The revisions to part 23 in this amendment largely pertain to airframe airworthiness standards. Three other final rules are being issued in this Federal Register that pertain to airworthiness standards for systems and equipment, flight, and powerplant. These related rulemakings are also part of the harmonization effort. Interested persons should review all four final rules to ensure that all revisions to part 23 are recognized.

The harmonization effort was initiated at a meeting in June 1990 of the JAA Council (consisting of JAA members from European countries) and the FAA, during which the FAA Administrator committed the FAA to support the harmonization of the U.S. regulations with the JAR that were being developed. In response to the commitment, the FAA Small Airplane Directorate established an FAA Harmonization Task Force to work with the JAR 23 Study Group to harmonize part 23 with the proposed JAR 23. The General Aviation Manufacturers Association (GAMA) also established a JAR 23/part 23 committee to provide technical assistance.

The FAA, JAA, GAMA, and the Association Europeenne des Constructeurs de Material Aerospatial (AECMA), an organization of European airframe manufacturers, met on several occasions in a continuing harmonization effort.

Near the end of the effort to harmonize the normal, utility, and acrobatic category airplane airworthiness standards, the JAA requested and received recommendations from its member countries on proposed airworthiness standards for commuter category airplanes. Subsequent JAA and FAA meetings on this issue resulted in proposals that were reflected in Notice 94–20 to revise portions of the part 23 commuter category airworthiness standards. Accordingly, this final rule adopts the airframe airworthiness standards for all part 23 airplanes.

In January 1991, the FAA established the Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991). At an FAA/JAA Harmonization Conference in Canada in June 1992, the FAA announced that it would consolidate the harmonization effort within the ARAC structure. The FAA assigned to ARAC the rulemakings related to JAR 23/part 23 harmonization, which ARAC assigned to the JAR/FAR 23 Harmonization Working Group. The proposal for airframe airworthiness standards contained in Notice No. 94–20 were a result of both the working group's efforts and the efforts at harmonization that occurred before the formation of the working group.

The JAA submitted comments to the FAA on January 20, 1994, in response to the four draft proposals for harmonization of the part 23 airworthiness standards. The JAA submitted comments again during the comment period of the NPRM. At the

April 26, 1995, ARAC JAR/FAR 23 Harmonization Working Group meeting, the JAA noted that many of the comments in the January 20 letter had been satisfied or were no longer relevant. The few remaining items concern issues that are considered beyond the scope of this rulemaking and, therefore, will be dealt with at future FAA/JAA Harmonization meetings.

Discussion of Comments

General

Interested persons were invited to participate in the development of these final rules by submitting written data, views, or arguments to the regulatory docket on or before October 28, 1994. Five commenters responded to Notice 94–20. Minor technical and editorial changes have been made to the proposed rules based on relevant comments received, consultation with the ARAC, and further review by the FAA

Discussion of Amendments

Section 23.301 Loads

The FAA proposed to amend § 23.301(d) by limiting the applicability of Appendix A to part 23 to ''single-engine, excluding turbines'' airplanes, rather than the current single-engine limitation. The effect of the proposed changes would be to eliminate alternative Appendix A airplane design requirements for turbine engines because the JAA determined, and the FAA agrees, that only single-engine airplanes, excluding turbines, were envisioned when Appendix A was introduced. Turbine airplane designs could continue to be FAA certificated by substantiation to part 23.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.335 Design Airspeeds

The FAA proposed to revise portions of § 23.335 for clarification and harmonization with JAR 23. The FAA proposed to revise paragraph (a)(1) by adding the phrase ''wing loading at the design maximum takeoff weight'' as a definition for W/S and by revising paragraphs (a)(1)(i) and (ii) to correct the equations for design cruise speed from ''33 W/S'' to √''33 (W/S)'' and from ''36 √W/S'' to ''36 √(W/S).''

The FAA proposed to revise § 23.335(b)(4) by adding a new paragraph (b)(4)(iii) that includes a new mach number speed margin, 0.07M, for commuter category airplanes. Because commuter category airplanes are normally operated at higher altitudes than normal, utility, and acrobatic category airplanes, they experience greater atmospheric variations, such as horizontal gusts and the penetration of jet streams or cold fronts; therefore, a higher minimum speed margin is required. The JAR proposed adding this mach number speed margin. The original mach number speed margin of 0.05M would be retained for normal, utility, and acrobatic category airplanes.

An incorrect equation, $\sqrt{n_g}\, V_{s1}$, appears in § 23.335(d)(1). This equation for the design speed for maximum gust intensity, V_B, is corrected to $V_{s1}\sqrt{(n_g)}$.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.337 Limit Maneuvering Load Factors

The FAA proposed to revise § 23.337(a)(1) by clarifying the equation and by adding a definition for ''W.'' This definition of ''W,'' ''design maximum takeoff weight,'' was requested by the JAA to harmonize with JAR 23.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.341 Gust Load Factors

The FAA proposed to reorganize § 23.341 to provide a new paragraph (a), that would clarify that each airplane must be designed to withstand loads of each lifting surface that result from gusts specified in § 23.333(c). It also proposed to reorganize the section as follows: (1) Redesignate existing paragraphs (a) and (b) as (b) and (c), respectively; (2) revise the text of new paragraph (b) to delete the phrase ''considering the criteria of § 23.333(c), to develop the gust loading on each lifting surface'' since this requirement would be located in proposed paragraph (a); and, (3) revise new paragraph (c) to delete the phrase ''for conventional configurations'' because it is no longer accurate, and to revise the definition for wing loading (W/S).

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.343 Design Fuel Loads

The FAA proposed a new § 23.343. The proposed requirement would apply to all part 23 airplane categories, except paragraph (c), which is limited to commuter category airplanes.

Comment: The JAA states that while the JAR 23 Study Group supports the technical intent of paragraph (c), since the JAA has no JAR 91 operating rule corresponding to part 91. The JAA must wait for an operating rule to be developed. The JAA has proposed a Notice of Proposed Action (NPA) to adopt paragraph (c) in JAR 23 if and when an operating rule for a 45-minute fuel reserve is created.

FAA Response: The FAA decided to continue with the final rule, as proposed.

This proposal is adopted as proposed.

Section 23.345 High Lift Devices

To place all ''flap'' requirements in one location, and to harmonize the requirements with JAR 23, the FAA proposed to revise § 23.345 as follows: (1) Make minor organizational, and non-substantive, clarifying changes; (2) Change the term ''fully deflected'' to ''fully extended'' because it more accurately describes flap conditions and positions; (3) Remove the phrase ''resulting in limit load factors'' because the requirement already exists in § 23.301(a); (4) Redesignate current paragraph (c) as paragraph (d) and revise it to include the flap requirements of § 23.457; (5) Redesignate current paragraph (d) as paragraph (c); and (6) Incorporate the flap requirements of § 23.457 into § 23.345(b) and § 23.345(d), as redesignated, and delete paragraph (e), which is redundant.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.347 Unsymmetrical Flight Conditions

The FAA proposed to revise § 23.347 to redesignate the existing text as paragraph (a) and to add a new paragraph (b) to include requirements for a flick maneuver (snap roll), if requested for acrobatic category airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.349 Rolling Conditions

The FAA proposed to revised § 23.349(a)(2) to simplify the unsymmetric semispan load assumption for normal, utility, and commuter category airplanes to 100 percent on one wing semispan and 75 percent on the other wing semispan for all design weights up through 19,000 pounds. The preamble to the NPRM did not include the explanation that the proposed 100 percent and 75 percent load distribution applied only to normal, utility, and commuter category airplanes. The NPRM did not include acrobatic category airplanes in this proposed requirement. However, the proposed regulatory language for § 23.349(c)(2) correctly reflects the FAA's intent.

While preparing the NPRM, the FAA had suggested varying the latter percentage linearly between 70 percent and 77.5 percent to include aircraft weighing up to 19,000 pounds. After discussion with the JAA, the FAA agreed that 75 percent is an appropriate assumption for all part 23 airplanes except acrobatic category airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.369 Rear Lift Truss

The FAA proposed to amend § 23.369 by amending the equation and by adding a definition for wing loading (W/S) to clarify the rule.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.371 Gyroscopic and Aerodynamic Loads

The FAA proposed to revise and reorganize § 23.371 by designating the existing text as paragraph (a) and adding new paragraphs (b) and (c).

The proposed revisions to the text of proposed paragraph (a) would delete the limitation for turbine powered engines; add inertial loads; and replace the word ''engines'' with ''engine(s) and propeller(s), if applicable.'' The proposed changes clarify that these requirements apply to all part 23 airplanes.

The FAA proposed a new paragraph (b) to clarify and distinguish the requirements for airplanes approved for aerobatic maneuvers.

The FAA proposed new paragraph (c) to clarify that commuter category airplanes must comply with the gust conditions in § 23.341 in addition to the requirement of § 23.371(a).

Comment: The JAA recommended that the words ''In addition,'' which appear at the beginning of JAR 23.371(b) but not in § 23.371(b), could result in misreading the requirements for airplanes approved for aerobatic maneuvers. The JAA's concern is that a reader might think that the requirements of paragraph (b) for airplanes approved for aerobatic maneuvers are in place of, rather than in addition to, the requirements of paragraph (a).

FAA Response: The FAA is aware that the words ''in addition'' appear in the JAR and understands that the JAA believes the words are necessary to prevent an interpretation that airplanes approved for aerobatic maneuvers need only comply with the requirements of paragraph (b).

Under standard rules of regulatory interpretation, it is not necessary to add the words ''in addition'' since the applicability of paragraph (a) should be based on its wording and not on the wording of paragraph (b). However, the FAA concludes that JAA's concern can be addressed by rewording paragraph (b) and new paragraph (c) to make it clear that persons subject to those paragraphs must meet both paragraphs (a) and certain additional requirements. As rewritten, paragraph (b) states ''For airplanes approved for aerobatic maneuvers, each engine mount and its supporting structure must meet the requirements of paragraph (a) of this section and be designed to withstand the load factors expected during combined maximum yaw and pitch velocities.'' Paragraph (c) uses parallel language. Paragraph (c) would apply to aircraft certificated in the commuter category, whereas, as proposed, paragraph (b) would apply to aircraft ''approved for aerobatic maneuvers,'' since this approval can be given for aircraft not certificated in the acrobatic category.

This proposal is adopted with the above changes.

Section 23.391 Control Surface Loads

The FAA proposed to revise § 23.391 by deleting paragraph (b). Paragraph (b) references Appendix B, which was removed by Amendment No. 23–42 (56 FR 344, January 3, 1991).

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.393 Loads Parallel to Hinge Line

The FAA proposed a new § 23.393. Proposed new § 23.393 would contain a modified version of the requirement of § 23.657(c) concerning loads parallel to the hinge line, which were proposed to be deleted from § 23.657.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.399 Dual Control System

The FAA proposed to redesignate the text of § 23.399 as paragraph (a), and to add a new paragraph (b) that addresses the forces exerted on a dual control system when both pilots act together. This would clarify that it is the greater of the forces that apply.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.415 Ground Gust Conditions

The FAA proposed to amend § 23.415 by revising paragraph (a)(2) to add a definition for wing loading (W/S). The FAA also proposed to revise paragraph (c), which was added in Amendment No. 23–45 (58 FR 42136, August 6, 1993), to incorporate a more comprehensive tie-down criteria.

No comments were received on the proposals for this section, and it is adopted as proposed.

Section 23.441 Maneuvering Loads

The FAA proposed to revise § 23.441(b) to include a new design requirement for the vertical tail of a commuter category airplane.

Comment: The JAA comments that while the intent of the proposed requirement is the same as the comparable requirement in JAR 23, the wording is different. The JAA reported that the FAA proposed final rule version will be considered for full harmonization by the JAA through NPA action once the final rule is published.

FAA Response: The proposal is adopted as proposed.

Section 23.443 Gust Loads

The FAA proposed to revise § 23.443(c) by changing the format of the formula, revising the definition of weight (''W''), and correcting the subscripts of the distance to the lift center, (''l_{vt}''). The current definition reads ''W=airplane weight (lbs.).'' The new definition reads ''W=the applicable weight of the airplane in the particular load case (lbs.).'' These changes are for clarity.

No comments were received on the proposal for this section, and it is adopted as proposed.

Sections 23.455 Ailerons

The FAA proposed to amend the heading the precedes § 23.455 by deleting the term ''Wing Flaps'' so that the heading reads ''AILERONS AND SPECIAL DEVICES.'' This change would reflect the deletion of the wing flap requirements from § 23.457 and their placement in § 23.345.

No comments were received on this proposal, and it is adopted as proposed.

Section 23.457 Wing Flaps

The FAA proposed to delete this section. As discussed under § 23.345, above, the wing flap requirements have been revised and consolidated in § 23.345 to group these requirements together.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.473 Ground Load Conditions and Assumptions

The FAA proposed to revise § 23.473(c)(1) to change the incorrect reference to ''§ 23.67 (a) or (b)(1)'' to ''§ 23.67 (b)(1) or (c).''

Because the FAA intended that turbine powered airplanes be included in § 23.473(c)(1), since these airplanes are required to be ''climb positive'' with one engine inoperative, the FAA proposed that § 23.473(c)(1) also reference § 23.67(c). The FAA also determined that to achieve the intent described, § 23.473(c)(1) should also reference § 23.67 (b)(1) or (c).

The FAA also proposed to revise paragraph (f), which addresses energy absorption tests, to parallel the language of JAR 23.473(f). No substantive change from current paragraph (f) was proposed.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.497 Supplementary Conditions for Tail Wheels

The FAA proposed a new § 23.497(c) to relocate tail wheel, bumper, or energy absorption device design standards for airplanes with aft-mounted propellers. These requirements currently exist in § 23.925(b). They are being moved because the FAA determined that certain portions of the design standards for these devices more properly belong in Subpart C—Structure.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.499 Supplementary Conditions for Nose Wheels

The FAA proposed to add new paragraphs (d) and (e) to § 23.499 to establish nose wheel conditions for airplanes with a steerable nose wheel controlled by hydraulic or other power and for airplanes with a steerable wheel that has a direct mechanical connection to the rudder pedals.

Comment: The JAA comments that the phrase ''has a mechanical connection to the rudder pedals'' in proposed paragraph (e), absent appropriate advisory material, could be interpreted to require different technical solutions than the comparable wording in JAR 23, ''directly connected mechanically to the rudder pedals.''

FAA Response: The FAA agrees that the proposed language in paragraph (e) requires clarification; in the final rule, the word ''direct'' is inserted before the word ''mechanical''. Also, the last phrase of paragraph (e) is revised to read ''the mechanism must be designed to withstand the steering torque for the maximum pilot forces specified in § 23.397(b).''

This proposal is adopted with the above changes to paragraph (e).

Section 23.521 Water Load Conditions

The FAA proposed to amend § 23.521 by deleting paragraph (c), which deals with previously approved floats, because the FAA agreed with the JAA that the requirements of paragraph (c) are covered by the general requirements of paragraph (a).

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.561 General

The FAA proposed to amend § 23.561 by revising paragraphs (b) and (d), and adding a new paragraph (e). These changes simplify, clarify, and ''add references * * * to ensure.'' The FAA proposed to revise paragraph (b), concerning occupant protection, to make it correspond to 14 CFR part 25 and JAR 25 that cover large airplanes. The proposed revision of paragraph (d), concerning turnovers would simplify and clarify the requirements without making substantive changes. The FAA proposed a new paragraph (e) to ensure that items of mass that could injure an occupant are retained by the supporting structure.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.571 Metallic Pressurized Cabin Structures

The FAA proposed to revise § 23.571 by changing the heading from ''Pressurized cabin'' to ''Metallic pressurized cabin structures'' because nonmetallic structure is addressed in § 23.573(a). The FAA proposed to revise the introductory text to limit the applicability to normal, utility, and acrobatic categories because commuter category airplanes are addressed separately. The FAA proposed to revise paragraph (a) to require the fatigue strength investigation to show that the structure can withstand repeated loads of variable magnitude expected in service.

Comment: The JAA comments that the JAR will be revised to delete commuter category airplanes from this section. Kal-Aero comments that a literal interpretation of the proposed changes to §§ 23.571 and 23.572 ''would require that every subsequent modification to an aircraft have a fatigue program to substantiate each major repair or alteration.'' Kal-Aero states that this change is both uneconomical (Kal-Aero estimates a part 23 fatigue test could cost at least $20 million per certification) and is unnecessary.

FAA Response: The FAA does not agree that the proposed rule language would require the result suggested by Kal-Aero. The intent is to provide that there be some test evidence to verify the analysis validity. The amount of test evidence needed would depend on the complexity of the design. The FAA points out that this evidence would be required only when fatigue analysis is used to satisfy the type certification requirements.

The proposals for this section are adopted as proposed.

Section 23.572 Metallic Wing, Empennage, and Associated Structures

The FAA proposed to revise the section heading to add the word ''metallic,'' to revise paragraph (a) to limit the applicability to normal, utility, and acrobatic category airplanes, and to make minor editorial changes. Paragraph (a)(1) would be revised to harmonize with JAR 23 by requiring tests, or analysis supported by test evidence, as discussed under § 23.571 of this preamble.

The only comment received on this section is from Kal-Aero, and applies to this section and to § 23.571. The comment was discussed under § 23.571.

The proposals are adopted as proposed.

Section 23.573 Damage Tolerance and Fatigue Evaluation of Structure

The FAA proposed to amend § 23.573(a)(5) to make clear that the limit load capacity of a bonded joint must be substantiated only if the failure of the bonded joint would result in catastrophic loss of the airplane.

The FAA proposed to delete § 23.573(c) because its requirements for inspections and other procedures were proposed to be moved to § 23.575.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.574 Metallic Damage Tolerance and Fatigue Evaluation of Commuter Category Airplanes

The FAA proposed to add a new § 23.574 that addresses damage tolerance and fatigue evaluation requirements for commuter category airplanes. As discussed previously, §§ 23.571 and 23.572 are being revised to clarify that these sections apply only to normal, utility, and acrobatic category airplanes. Newly type certificated commuter category airplanes would have to meet proposed § 23.574 instead of §§ 23.571 and 23.572.

The only comment received on this proposed new section is a JAA statement that this change will be considered for JAR 23. The proposal is adopted as proposed.

Section 23.575 Inspections and Other Procedures

The FAA proposed to add a new § 23.575 to clarify that airplane manufacturers are required to provide recommendations for inspections frequencies, locations, and methods when a design is approved by the FAA, and that these items must be included in the Limitations Section of the Instructions for Continued Airworthiness required by § 23.1529.

The requirements of § 23.573(c) would be moved to § 23.575 and the requirements are made applicable to §§ 23.571, 23.572, 23.573 and 23.574.

The only comment on this proposed new section is a JAA statement that this change will be considered for JAR 23. The proposals are adopted as proposed.

Section 23.607 Fasteners

The FAA proposed to amend § 23.607 by changing the section heading, by redesignating the existing text as paragraph (c), and by adding new paragraphs (a) and (b), as outlined in the NPRM.

Comment: Transport Canada comments that it is possible the language of proposed paragraph (a) could be interpreted to mean that compliance is satisfied by the use of a self-locking nut alone in certain situations, such as when a bolt is not subject to rotation. Transport Canada suggests adopting the wording of § 27.607, which requires ''two separate locking devices'' when the loss of a removable bolt, screw, nut, pin or other fastener would jeopardize the safe operation of the aircraft.

FAA Response: The FAA agrees that the proposed language of paragraph (a) could be misinterpreted and that the intent of the section would be clearer if language comparable to § 27.607 is used. Also, the FAA finds that the section is clearer if it addresses all removable fasteners without specific mention of bolts, screws, nuts, pins, etc. Accordingly, paragraph (a) has been revised to read ''Each removable fastener must incorporate two retaining devices if the loss of such fastener would preclude continued safe flight and landing'' in the final rule.

This proposal is adopted with the noted change to paragraph (a).

Section 23.611 Accessibility Provisions

The FAA proposed to amend § 23.611 to require that, for any part requiring maintenance, such as an inspection or other servicing, there must be a means of access incorporated into the aircraft design to allow this servicing to be accomplished. The FAA pointed out in the NPRM that whether the access provided is appropriate in a particular case will depend on the nature of the item and the frequency and complexity of the required inspection or maintenance actions.

The only comment received on this proposed change is a JAA statement that this change will be considered for the JAR. The proposal is adopted as proposed.

Section 23.629 Flutter

The FAA proposed to revise § 23.629 to require either flight flutter tests and rational analysis, or flight flutter tests and compliance with the FAA's ''Simplified Flutter Prevention Criteria.'' Section 23.629 currently requires flutter substantiation by only one of three methods: A rational analysis, flight flutter test, or compliance with the ''Simplified Flutter Prevention Criteria.''

The FAA also proposed to revise paragraph (d)(3)(i) to change the phrase ''T-tail or boom tail'' to ''T-tail or other unconventional tail configurations'' to be more inclusive and to represent the standard used in current certification. The FAA also proposed to harmonize with JAR 23 by amending paragraphs 23.629 (g) and (h) to remove the ''or test'' phrase to require that substantiation be done only by analysis. The FAA proposed a new paragraph (i) that would allow freedom from flutter to be shown by tests (under paragraph (a)) or by analysis alone if that analysis is based on previously approved data for an airplane that has undergone modification that could affect its flutter characteristics.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.657 Hinges

The FAA proposed to amend § 23.657 by deleting paragraph (c) that covers loads parallel to the hinge line because it would be covered in proposed § 23.393.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.673 Primary Flight Controls

The FAA proposed to revise § 23.673 to delete the requirements for two-control airplanes consistent with actions being taken in the proposed rule on flight requirements for part 23 airplanes (Docket No. 27807, Notice No. 94–22; (59 FR 37878, July 25, 1994)) that affect §§ 23.177 and 23.201. The two-control requirements are considered obsolete. Additionally, harmonization with JAR 23 would be accomplished by this action.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.725 Limit Drop Tests

The FAA proposed to amend the effective weight equation in § 23.725(b) by adding mathematical brackets to the numerator and parentheses to the denominator to clarify the equation.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.755 Hulls

The FAA proposed to amend § 23.755 by deleting paragraph (b), which provides, that hulls of hull seaplanes or amphibians of less than 1,500 pounds need not be compartmented, because paragraph (b) is redundant. The applicable requirements are contained in paragraph (a). The FAA also proposed to redesignate paragraph (c) as new paragraph (b) and to edit it for clarification.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.865 Fire Protection of Flight Controls, Engine Mounts, and Other Flight Structures

The FAA proposed to revise § 23.865 by changing the words ''engine compartment'' to ''designated fire zones'' for consistency with recent revisions to §§ 23.1203 and 23.1181. The proposed revision would also add the phrase ''adjacent areas that would be subjected to the effects of fire in the designated fire zones.''

Comment: The JAA agrees that the technical intent of proposed § 23.865 is similar to the JAR 23 requirement. Changes to JAR 23 to adopt the terms proposed in this part 23 section are being considered by the JAA.

FAA Response: No substantive comment was received, and the proposals are adopted as proposed.

Section 23.925 Propeller Clearance

The FAA proposed to amend § 23.925(b), Aft mounted propellers, by removing the requirements on tail wheels, bumpers, and energy absorption devices and moving them to § 23.497, Supplementary conditions for tail wheels, as discussed as discussed above. The FAA also proposed to delete the inspection and replacement criteria for tail wheel, bumper, and energy absorption devices because the inspection and replacement requirements are stated in § 23.1529.

No comments were received on the proposals for this section, and they are adopted as proposed.

Appendix A

The FAA proposed to revise three areas of Appendix A: (1) A23.1 General; (2) A23.11 Control surface loads, paragraph (c), Surface loading conditions; and (3) Table 2—Average limit control surface loading. The FAA proposed to add a new figure to Appendix A: Figure A7, Chordwise load distribution for stabilizer and elevator, or fin and rudder. The revisions specify the configurations for which the wing and tail surface loads, required by A23.7, are valid. The FAA discovered a need for a clarification change in paragraph A23.a(a)(1) during the post comment review period. The words ''excluding turbine powerplants'' are clearer than the words ''excluding turbines.'' This revision is included in the final rule to more clearly convey the intended meaning.

No comments were received on the proposals for Appendix A, and they are adopted with the change explained above.

Final Regulatory Evaluation, Final Regulatory Flexibility Determination, and Trade Impact Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations only if the potential benefits to society justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these assessments, the FAA has determined that this rule: (1) Will generate benefits exceeding its costs and is ''significant'' as defined in the Executive Order; (2) is ''significant'' as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Comments Related to the Economics of the Proposed Rule

Two comments were received regarding the economic impact of the proposals; one concerning § 23.571, Metallic pressurized cabin structures, and one concerning § 23.572, Metallic wing, empennage, and associated structures. Both of these comments, as well as the FAA's responses, are included in the section ''Discussion of Amendments.''

Regulatory Evaluation Summary

The FAA has identified 6 sections that will result in additional compliance costs, totalling between $10,000 and $17,000 per certification. When amortized over a production run, these costs will have a negligible impact on airplane price, less than $100 per airplane.

The primary benefit of the rule will be the cost efficiencies of harmonization with the JAR for those manufacturers that market airplanes in JAA countries as well as to manufacturers in JAA countries that market airplanes in the United States. Other benefits of the rule will be decreased reliance on special conditions, simplification of the certification process through clarification of existing requirements, and increased flexibility through optional designs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The rule will not constitute a barrier to international trade, including the export of U.S. goods and services to foreign countries and the import of foreign goods and services into the United States. Instead, the airframe certification procedures have been harmonized with those of the JAA and will lessen restraints on trade.

Federalism Implications

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

Conclusion

The FAA is revising the airframe airworthiness standards for normal, utility, acrobatic, and commuter category airplanes to harmonize them with the standards that were published for the same categories of airplanes by the Joint Airworthiness Authorities in Europe. The revisions reduce the regulatory burden on United States and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in the United States or in a country that is a member of the JAA.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation, the FAA has determined that this rule is not significant under Executive Order 12866. In addition, the FAA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule is considered not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A regulatory evaluation of the rule has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 23 as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40013, 44701, 44702, 44704.

2. Section 23.301(d) is revised to read as follows:

§ 23.301 Loads.

* * * * *

(d) Simplified structural design criteria may be used if they result in design loads not less than those prescribed in §§ 23.331 through 23.521. For airplane configurations described in appendix A, § 23.1, the design criteria of appendix A of this part are an approved equivalent of §§ 23.321 through 23.459. If appendix A of this part is used, the entire appendix must be substituted for the corresponding sections of this part.

3. Section 23.335 is amended by revising paragraph (a)(1); by removing the period and adding ''; and either—''

to the end of paragraph (b)(4)(i); by revising paragraph (b)(4)(ii); by adding a new paragraph (b)(4)(iii); and by revising the introductory text of paragraph (d)(1) to read as follows:

§ 23.335 Design airspeeds.

* * * * *

(a) * * *

(1) Where W/S′=wing loading at the design maximum takeoff weight, V_c (in knots) may not be less than—

(i) 33 $\sqrt{}$(W/S) (for normal, utility, and commuter category airplanes);

(ii) 36 $\sqrt{}$(W/S) (for acrobatic category airplanes).

* * * * *

(b) * * *

(4) * * *

(ii) Mach 0.05 for normal, utility, and acrobatic category airplanes (at altitudes where M_D is established); or

(iii) Mach 0.07 for commuter category airplanes (at altitudes where M_D is established) unless a rational analysis, including the effects of automatic systems, is used to determine a lower margin. If a rational analysis is used, the minimum speed margin must be enough to provide for atmospheric variations (such as horizontal gusts), and the penetration of jet streams or cold fronts), instrument errors, airframe production variations, and must not be less than Mach 0.05.

* * * * *

(d) * * *

(1) V_B may not be less than the speed determined by the intersection of the line representing the maximum positive lift, $C_{N\,MAX}$, and the line representing the rough air gust velocity on the gust V-n diagram, or $V_{S1}\sqrt{n_g}$, whichever is less, where:

* * * * *

4. Section 23.337(a)(1) is revised to read as follows:

§ 23.337 Limit maneuvering load factors.

(a) * * *

(1) 2.1+(24,000÷(W+10,000)) for normal and commuter category airplanes, where W=design maximum takeoff weight, except that n need not be more than 3.8;

* * * * *

5. Section 23.341 is amended by redesignating existing paragraphs (a) and (b) as paragraphs (b) and (c), respectively; by adding a new paragraph (a); by revising the redesignated paragraph (b); and by revising the introductory text, the formula, and the definition of ''W/S'' in the redesignated paragraph (c) to read as follows:

§ 23.341 Gust loads factors.

(a) Each airplane must be designed to withstand loads on each lifting surface resulting from gusts specified in § 23.333(c).

(b) The gust load for a canard or tandem wing configuration must be computed using a rational analysis, or may be computed in accordance with paragraph (c) of this section, provided that the resulting net loads are shown to be conservative with respect to the gust criteria of § 23.333(c).

(c) In the absence of a more rational analysis, the gust load factors must be computed as follows—

$$n = 1 + \frac{K_g U_{de} V a}{498\,(W/S)}$$

* * * * *

W/S=Wing loading (p.s.f.) due to the applicable weight of the airplane in the particular load case.

* * * * *

6. A new § 23.343 is added to read as follows:

§ 23.343 Design fuel loads.

(a) The disposable load combinations must include each fuel load in the range from zero fuel to the selected maximum fuel load.

(b) If fuel is carried in the wings, the maximum allowable weight of the airplane without any fuel in the wing tank(s) must be established as ''maximum zero wing fuel weight,'' if it is less than the maximum weight.

(c) For commuter category airplanes, a structural reserve fuel condition, not exceeding fuel necessary for 45 minutes of operation at maximum continuous power, may be selected. If a structural reserve fuel condition is selected, it must be used as the minimum fuel weight condition for showing compliance with the flight load requirements prescribed in this part and—

(1) The structure must be designed to withstand a condition of zero fuel in the wing at limit loads corresponding to:

(i) Ninety percent of the maneuvering load factors defined in § 23.337, and

(ii) Gust velocities equal to 85 percent of the values prescribed in § 23.333(c).

(2) The fatigue evaluation of the structure must account for any increase in operating stresses resulting from the design condition of paragraph (c)(1) of this section.

(3) The flutter, deformation, and vibration requirements must also be met with zero fuel in the wings.

7. Section 23.345 is revised to read as follows:

§ 23.345 High lift devices.

(a) If flaps or similar high lift devices are to be used for takeoff, approach or landing, the airplane, with the flaps fully extended at V_F, is assumed to be subjected to symmetrical maneuvers and gusts within the range determined by—

(1) Maneuvering, to a positive limit load factor of 2.0; and

(2) Positive and negative gust of 25 feet per second acting normal to the flight path in level flight.

(b) V_F must be assumed to be not less than 1.4 V_S or 1.8 V_{SF}, whichever is greater, where—

(1) V_S is the computed stalling speed with flaps retracted at the design weight; and

(2) V_{SF} is the computed stalling speed with flaps fully extended at the design weight.

(3) If an automatic flap load limiting device is used, the airplane may be designed for the critical combinations of airspeed and flap position allowed by that device.

(c) In determining external loads on the airplane as a whole, thrust, slipstream, and pitching acceleration may be assumed to be zero.

(d) The flaps, their operating mechanism, and their supporting structures, must be designed to withstand the conditions prescribed in paragraph (a) of this section. In addition, with the flaps fully extended at V_F, the following conditions, taken separately, must be accounted for:

(1) A head-on gust having a velocity of 25 feet per second (EAS), combined with propeller slipstream corresponding to 75 percent of maximum continuous power; and

(2) The effects of propeller slipstream corresponding to maximum takeoff power.

8. Section 23.347 is amended by designating the existing text as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 23.347 Unsymmetrical flight conditions.

* * * * *

(b) Acrobatic category airplanes certified for flick maneuvers (snap roll) must be designed for additional asymmetric loads acting on the wing and the horizontal tail.

9. Section 23.349(a)(2) is revised to read as follows:

§ 23.349 Rolling conditions.

* * * * *

(a) * * *

(2) For normal, utility, and commuter categories, in Condition A, assume that 100 percent of the semispan wing airload acts on one side of the airplane and 75 percent of this load acts on the other side.

* * * * *

10. Section 23.369(a) is revised to read as follows:

§ 23.369 Rear lift truss.

(a) If a rear lift truss is used, it must be designed to withstand conditions of reversed airflow at a design speed of—

$V = 8.7 \sqrt{(W/S)} + 8.7$ (knots), where W/S = wing loading at design maximum takeoff weight.

* * * * *

11. Section 23.371 is revised to read as follows:

§ 23.371 Gyroscopic and aerodynamic loads.

(a) Each engine mount and its supporting structure must be designed for the gyroscopic, inertial, and aerodynamic loads that result, with the engine(s) and propeller(s), if applicable, at maximum continuous r.p.m., under either:

(1) The conditions prescribed in § 23.351 and § 23.423; or

(2) All possible combinations of the following—

(i) A yaw velocity of 2.5 radians per second;

(ii) A pitch velocity of 1.0 radian per second;

(iii) A normal load factor of 2.5; and

(iv) Maximum continuous thrust.

(b) For airplanes approved for aerobatic maneuvers, each engine mount and its supporting structure must meet the requirements of paragraph (a) of this section and be designed to withstand the load factors expected during combined maximum yaw and pitch velocities.

(c) For airplanes certificated in the commuter category, each engine mount and its supporting structure must meet the requirements of paragraph (a) of this section and the gust conditions specified in § 23.341 of this part.

§ 23.391 [Amended]

12. Section 23.391 is amended by removing paragraph (b) and removing the designation of ''(a)'' from the remaining text.

13. A new § 23.393 is added to read as follows:

§ 23.393 Loads parallel to hinge line.

(a) Control surfaces and supporting hinge brackets must be designed to withstand inertial loads acting parallel to the hinge line.

(b) In the absence of more rational data, the inertial loads may be assumed to be equal to KW, where—

(1) K = 24 for vertical surfaces;

(2) K = 12 for horizontal surfaces; and

(3) W = weight of the movable surfaces.

14. Section 23.399 is revised to read as follows:

§ 23.399 Dual control system.

(a) Each dual control system must be designed to withstand the force of the pilots operating in opposition, using individual pilot forces not less than the greater of—

(1) 0.75 times those obtained under § 23.395; or

(2) The minimum forces specified in § 23.397(b).

(b) Each dual control system must be designed to withstand the force of the pilots applied together, in the same direction, using individual pilot forces not less than 0.75 times those obtained under § 23.395.

15. Section 23.415 is amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 23.415 Ground gust conditions.

(a) * * *

(2) If pilot forces less than the minimums specified in § 23.397(b) are used for design, the effects of surface loads due to ground gusts and taxiing downwind must be investigated for the entire control system according to the formula:

$H = K c S q$

where—

H = limit hinge moment (ft.-lbs.);

c = mean chord of the control surface aft of the hinge line (ft.);

S = area of control surface aft of the hinge line (sq. ft.);

q = dynamic pressure (p.s.f.) based on a design speed not less than $14.6 \sqrt{(W/S)} + 14.6$ (f.p.s.) where W/S = wing loading at design maximum weight, except that the design speed need not exceed 88 (f.p.s.);

K = limit hinge moment factor for ground gusts derived in paragraph (b) of this section. (For ailerons and elevators, a positive value of K indicates a moment tending to depress the surface and a negative value of K indicates a moment tending to raise the surface).

* * * * *

(c) At all weights between the empty weight and the maximum weight declared for tie-down stated in the appropriate manual, any declared tie-down points and surrounding structure, control system, surfaces and associated gust locks, must be designed to withstand the limit load conditions that exist when the airplane is tied down and that result from wind speeds of up to 65 knots horizontally from any direction.

16. Section 23.441 is amended by revising paragraph (a)(2) and adding a new paragraph (b) to read as follows.

§ 23.441 Maneuvering loads.

(a) * * *

(2) With the rudder deflected as specified in paragraph (a)(1) of this section, it is assumed that the airplane yaws to the overswing sideslip angle. In lieu of a rational analysis, an overswing angle equal to 1.5 times the static sideslip angle of paragraph (a)(3) of this section may be assumed.

* * * * *

(b) For commuter category airplanes, the loads imposed by the following additional maneuver must be substantiated at speeds from V_A to V_D/M_D. When computing the tail loads—

(1) The airplane must be yawed to the largest attainable steady state sideslip angle, with the rudder at maximum deflection caused by any one of the following:

(i) Control surface stops;

(ii) Maximum available booster effort;

(iii) Maximum pilot rudder force as shown below:

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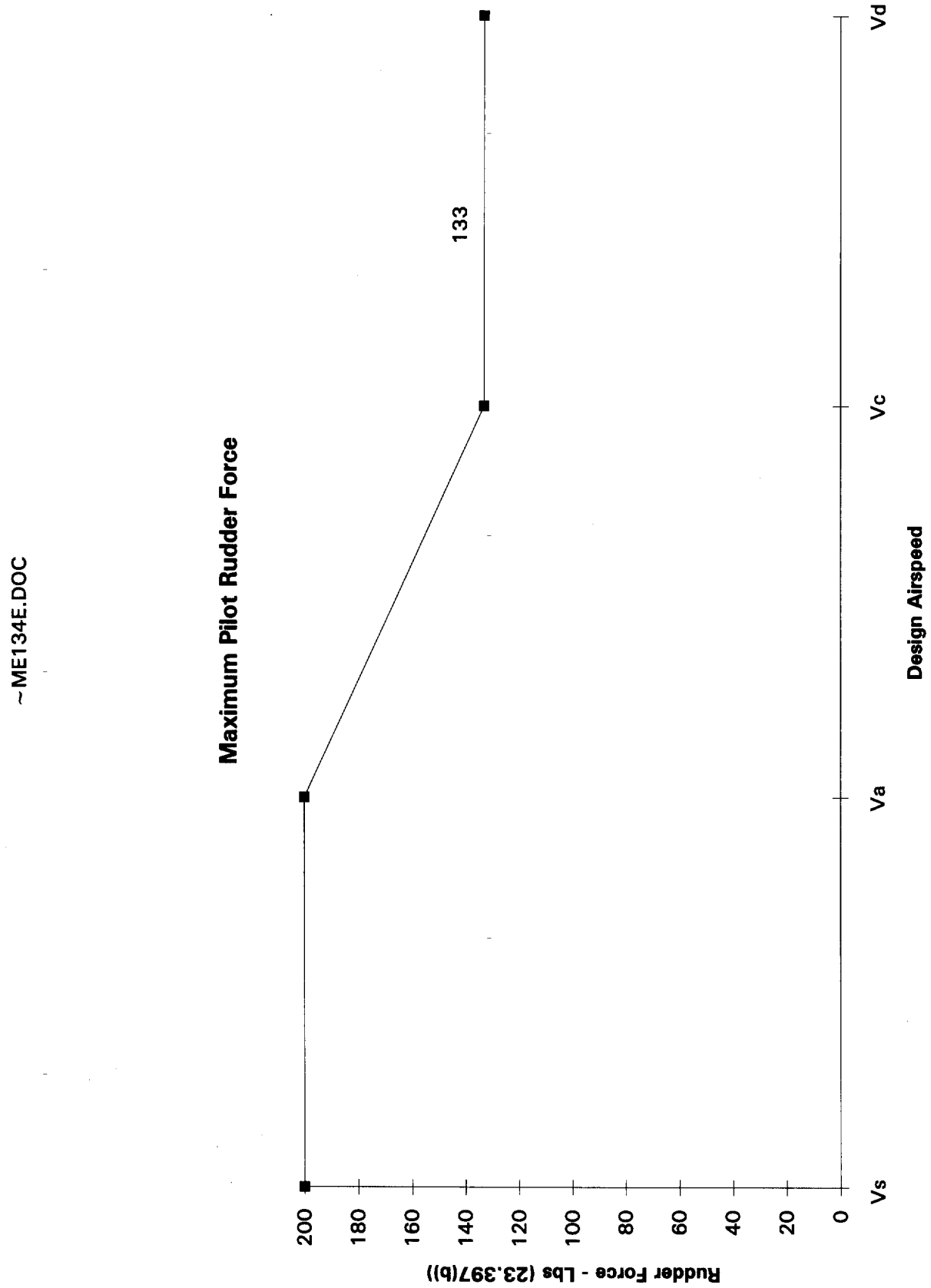

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(2) The rudder must be suddenly displaced from the maximum deflection to the neutral position.

* * * * *

17. Section 23.443(c) is revised to read as follows:

§ 23.443 Gust loads.

* * * * *

(c) In the absence of a more rational analysis, the gust load must be computed as follows:

$$L_{vt} = \frac{K_{gt}\, U_{de}\, V\, a_{vt}\, S_{vt}}{498}$$

Where—

L_{vt}=Vertical surface loads (lbs.);

$$k_{gt} = \frac{0.88\,\mu_{gt}}{5.3+\mu_{gt}} = \text{gust alleviation factor;}$$

$$\mu_{gt} = \frac{2W}{\rho\, c_t\, g\, a_{vt}\, S_{vt}} \frac{K^2}{l_{vt}} = \text{lateral mass ratio;}$$

U_{de}=Derived gust velocity (f.p.s.);

ρ=Air density (slugs/cu.ft.);

W=the applicable weight of the airplane in the particular load case (lbs.);

S_{vt}=Area of vertical surface (ft.^{2});

$\bar{c}_t$=Mean geometric chord of vertical surface (ft.);

a_{vt}=Lift curve slope of vertical surface (per radian);

K=Radius of gyration in yaw (ft.);

l_{vt}=Distance from airplane c.g. to lift center of vertical surface (ft.);

g=Acceleration due to gravity (ft./sec.^{2}); and

V=Equivalent airspeed (knots).

18. The center heading ''AILERONS, WING FLAPS, AND SPECIAL DEVICES'' that appears between §§ 23.445 and 23.455 is revised to read ''Ailerons and Special Devices''.

§ 23.457 [Removed]

19. Section 23.457 is removed.

20. Section 23.473 is amended by revising paragraphs (c)(1) and (f) to read as follows:

§ 23.473 Ground load conditions and assumptions.

* * * * *

(c) * * *

(1) The airplane meets the one-engine-inoperative climb requirements of § 23.67(b)(1) or (c); and

* * * * *

(f) If energy absorption tests are made to determine the limit load factor corresponding to the required limit descent velocities, these tests must be made under § 23.723(a).

* * * * *

21. Section 23.497 is amended by adding a new paragraph (c) to read as follows:

§ 23.497 Supplementary conditions for tail wheels.

* * * * *

(c) If a tail wheel, bumper, or an energy absorption device is provided to show compliance with § 23.925(b), the following apply:

(1) Suitable design loads must be established for the tail wheel, bumper, or energy absorption device; and

(2) The supporting structure of the tail wheel, bumper, or energy absorption device must be designed to withstand the loads established in paragraph (c)(1) of this section.

22. Section 23.499 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 23.499 Supplementary conditions for nose wheels.

* * * * *

(d) For airplanes with a steerable nose wheel that is controlled by hydraulic or other power, at design takeoff weight with the nose wheel in any steerable position, the application of 1.33 times the full steering torque combined with a vertical reaction equal to 1.33 times the maximum static reaction on the nose gear must be assumed. However, if a torque limiting device is installed, the steering torque can be reduced to the maximum value allowed by that device.

(e) For airplanes with a steerable nose wheel that has a direct mechanical connection to the rudder pedals, the mechanism must be designed to withstand the steering torque for the maximum pilot forces specified in § 23.397(b).

§ 23.521 [Amended]

23. Section 23.521 is amended by removing paragraph (c).

24. Section 23.561 is amended by revising paragraph (b) introductory text; by revising paragraphs (d)(1); and by adding a new paragraph (e) to read as follows:

§ 23.561 General.

* * * * *

(b) The structure must be designed to give each occupant every reasonable chance of escaping serious injury when—

* * * * *

(d) * * *

(1) * * *

(i) The most adverse combination of weight and center of gravity position;

(ii) Longitudinal load factor of 9.0g;

(iii) Vertical load factor of 1.0g; and

(iv) For airplanes with tricycle landing gear, the nose wheel strut failed with the nose contacting the ground.

* * * * *

(e) Except as provided in § 23.787(c), the supporting structure must be designed to restrain, under loads up to those specified in paragraph (b)(3) of this section, each item of mass that could injure an occupant if it came loose in a minor crash landing.

25. Section 23.571 is amended by revising the heading, the introductory text, and paragraph (a), to read as follows:

§ 23.571 Metallic pressurized cabin structures.

For normal, utility, and acrobatic category airplanes, the strength, detail design, and fabrication of the metallic structure of the pressure cabin must be evaluated under one of the following:

(a) A fatigue strength investigation in which the structure is shown by tests, or by analysis supported by test evidence, to be able to withstand the repeated loads of variable magnitude expected in service; or

* * * * *

26. Section 23.572 is amended by revising the heading; by revising paragraph (a) introductory text; and by revising paragraph (a)(1) to read as follows:

§ 23.572 Metallic wing, empennage, and associated structures.

(a) For normal, utility, and acrobatic category airplanes, the strength, detail design, and fabrication of those parts of the airframe structure whose failure would be catastrophic must be evaluated under one of the following unless it is shown that the structure, operating stress level, materials and expected uses are comparable, from a fatigue standpoint, to a similar design that has had extensive satisfactory service experience:

(1) A fatigue strength investigation in which the structure is shown by tests, or by analysis supported by test evidence, to be able to withstand the repeated loads of variable magnitude expected in service; or

* * * * *

27. Section 23.573 is amended by removing the reference in paragraph (b) ''§ 23.571(c)'' and adding the reference ''§ 23.571(a)(3)'' in its place; by removing paragraph (c); and by revising the introductory text of paragraph (a)(5) to read as follows:

§ 23.573 Damage tolerance and fatigue evaluation of structure.

(a) * * *

(5) For any bonded joint, the failure of which would result in catastrophic loss of the airplane, the limit load capacity must be substantiated by one of the following methods—

* * * * *

28. A new § 23.574 is added to read as follows:

§ 23.574 Metallic damage tolerance and fatigue evaluation of commuter category airplanes.

For commuter category airplanes—

(a) *Metallic damage tolerance.* An evaluation of the strength, detail design, and fabrication must show that catastrophic failure due to fatigue, corrosion, defects, or damage will be avoided throughout the operational life of the airplane. This evaluation must be conducted in accordance with the provisions of § 23.573, except as specified in paragraph (b) of this section, for each part of the structure that could contribute to a catastrophic failure.

(b) *Fatigue (safe-life) evaluation.* Compliance with the damage tolerance requirements of paragraph (a) of this section is not required if the applicant establishes that the application of those requirements is impractical for a particular structure. This structure must be shown, by analysis supported by test evidence, to be able to withstand the repeated loads of variable magnitude expected during its service life without detectable cracks. Appropriate safe-life scatter factors must be applied.

29. A new § 23.575 is added to read as follows:

§ 23.575 Inspections and other procedures.

Each inspection or other procedure, based on an evaluation required by §§ 23.571, 23.572, 23.573 or 23.574, must be established to prevent catastrophic failure and must be included in the Limitations Section of the Instructions for Continued Airworthiness required by § 23.1529.

30. Section 23.607 is revised to read as follows:

§ 23.607 Fasteners.

(a) Each removable fastener must incorporate two retaining devices if the loss of such fastener would preclude continued safe flight and landing.

(b) Fasteners and their locking devices must not be adversely affected by the environmental conditions associated with the particular installation.

(c) No self-locking nut may be used on any bolt subject to rotation in operation unless a non-friction locking device is used in addition to the self-locking device.

31. Section 23.611 is revised to read as follows:

§ 23.611 Accessibility provisions.

For each part that requires maintenance, inspection, or other servicing, appropriate means must be incorporated into the aircraft design to allow such servicing to be accomplished.

32. Section 23.629 is amended by revising the introductory text of paragraph (a); by redesignating existing paragraphs (b) and (c) as paragraphs (c) and (b); by revising the introductory text of newly redesignated (b); by revising newly redesignated paragraph (c); by revising paragraph (d)(3)(i); by revising paragraphs (g) and (h); and by adding a new paragraph (i) to read as follows:

§ 23.629 Flutter.

(a) It must be shown by the methods of paragraph (b) and either paragraph (c) or (d) of this section, that the airplane is free from flutter, control reversal, and divergence for any condition of operation within the limit V-n envelope and at all speeds up to the speed specified for the selected method. In addition—

* * * * *

(b) Flight flutter tests must be made to show that the airplane is free from flutter, control reversal and divergence and to show that—

* * * * *

(c) Any rational analysis used to predict freedom from flutter, control reversal and divergence must cover all speeds up to 1.2 V_D.

(d) * * *

(3) * * *

(i) Does not have a T-tail or other unconventional tail configurations;

* * * * *

(g) For airplanes showing compliance with the fail-safe criteria of §§ 23.571 and 23.572, the airplane must be shown by analysis to be free from flutter up to V_D/M_D after fatigue failure, or obvious partial failure, of a principal structural element.

(h) For airplanes showing compliance with the damage tolerance criteria of § 23.573, the airplane must be shown by analysis to be free from flutter up to V_D/M_D with the extent of damage for which residual strength is demonstrated.

(i) For modifications to the type design that could affect the flutter characteristics, compliance with paragraph (a) of this section must be shown, except that analysis based on previously approved data may be used alone to show freedom from flutter, control reversal and divergence, for all speeds up to the speed specified for the selected method.

§ 23.657 [Amended]

33. Section 23.657 is amended by removing paragraph (c).

§ 23.673 [Amended]

34. Section 23.673 is amended by removing paragraph (b) and the paragraph designation ''(a)'' for the remaining paragraph.

35. Section 23.725 is amended by revising the equation in paragraph (b) to read as follows:

§ 23.725 Limit drop tests.

* * * * *

(b) * * *

$$W_e = W\frac{[h+(1-L)\,d]}{(h+d)}$$

* * * * *

36. Section 23.755 is amended by removing paragraph (b), and by redesignating paragraph (c) as paragraph (b) and revising it to read as follows:

§ 23.755 Hulls.

* * * * *

(b) Watertight doors in bulkheads may be used for communication between compartments.

37. Section 23.865 is revised to read as follows:

§ 23.865 Fire protection of flight controls, engine mounts, and other flight structure.

Flight controls, engine mounts, and other flight structure located in designated fire zones, or in adjacent areas that would be subjected to the effects of fire in the designated fire zones, must be constructed of fireproof material or be shielded so that they are capable of withstanding the effects of a fire. Engine vibration isolators must incorporate suitable features to ensure that the engine is retained if the non-fireproof portions of the isolators deteriorate from the effects of a fire.

38. Section 23.925 is amended by revising paragraph (b) to read as follows:

§ 23.925 Propeller clearance.

* * * * *

(b) *Aft-mounted propellers.* In addition to the clearances specified in paragraph (a) of this section, an airplane with an aft mounted propeller must be designed such that the propeller will not contact the runway surface when the airplane is in the maximum pitch attitude attainable during normal takeoffs and landings.

* * * * *

39. Appendix A is amended by revising the heading, section A23.1, paragraphs A23.11 (c)(1) and (d), and Table 2; and by adding a new Figure A7 to the end of the Appendix to read as follows:

Appendix A to Part 23 Simplified Design Load Criteria

A23.1 *General.*

(a) The design load criteria in this appendix are an approved equivalent of those in §§ 23.321 through 23.459 of this subchapter for an airplane having a maximum weight of 6,000 pounds or less and the following configuration:

(1) A single engine excluding turbine powerplants;

(2) A main wing located closer to the airplane's center of gravity than to the aft, fuselage-mounted, empennage;

(3) A main wing that contains a quarter-chord sweep angle of not more than 15 degrees fore or aft;

(4) A main wing that is equipped with trailing-edge controls (ailerons or flaps, or both);

(5) A main wing aspect ratio not greater than 7;

(6) A horizontal tail aspect ratio not greater than 4;

(7) A horizontal tail volume coefficient not less than 0.34;

(8) A vertical tail aspect ratio not greater than 2;

(9) A vertical tail platform area not greater than 10 percent of the wing platform area; and

(10) Symmetrical airfoils must be used in both the horizontal and vertical tail designs.

(b) Appendix A criteria may not be used on any airplane configuration that contains any of the following design features:

(1) Canard, tandem-wing, close-coupled, or tailless arrangements of the lifting surfaces;

(2) Biplane or multiplane wing arrangements;

(3) T-tail, V-tail, or cruciform-tail (+) arrangements;

(4) Highly-swept wing platform (more than 15-degrees of sweep at the quarter-chord), delta planforms, or slatted lifting surfaces; or

(5) Winglets or other wing tip devices, or outboard fins.

* * * * *

A23.11 *Control surface loads.*

* * * * *

(c) * * *

(1) Simplified limit surface loadings for the horizontal tail, vertical tail, aileron, wing flaps, and trim tabs are specified in figures 5 and 6 of this appendix.

(i) The distribution of load along the span of the surface, irrespective of the chordwise load distribution, must be assumed proportional to the total chord, except on horn balance surfaces.

(ii) The load on the stabilizer and elevator, and the load on fin and rudder, must be distributed chordwise as shown in figure 7 of this appendix.

(iii) In order to ensure adequate torsional strength and to account for maneuvers and gusts, the most severe loads must be considered in association with every center of pressure position between the leading edge and the half chord of the mean chord of the surface (stabilizer and elevator, or fin and rudder).

(iv) To ensure adequate strength under high leading edge loads, the most severe stabilizer and fin loads must be further considered as being increased by 50 percent over the leading 10 percent of the chord with the loads aft of this appropriately decreased to retain the same total load.

(v) The most severe elevator and rudder loads should be further considered as being distributed parabolically from three times the mean loading of the surface (stabilizer and elevator, or fin and rudder) at the leading edge of the elevator and rudder, respectively, to zero at the trailing edge according to the equation:

$$P(x) = 3(\bar{w})\frac{(c-x)^2}{c_f^{\,2}}$$

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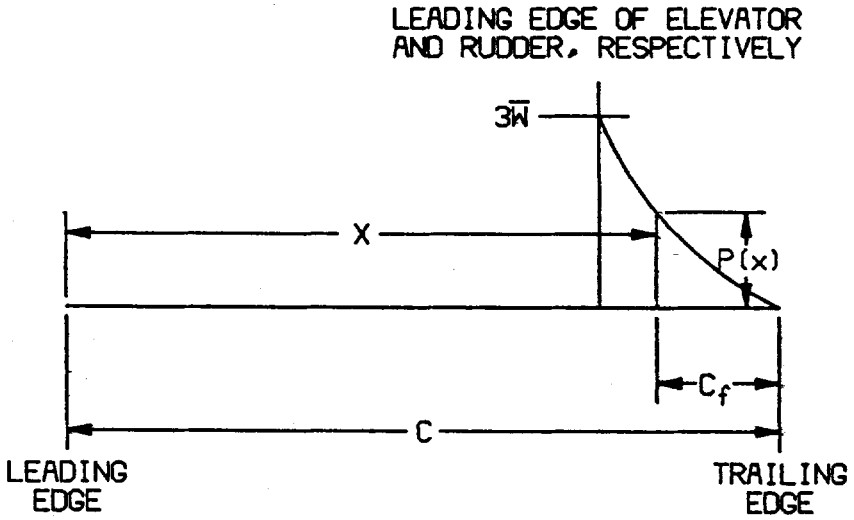

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Where—

P(x)=local pressure at the chordwise stations x,

c=chord length of the tail surface,

c_f=chord length of the elevator and rudder respectively, and

$\bar{w}$=average surface loading as specified in Figure A5.

* * * * *

(vi) The chordwise loading distribution for ailerons, wing flaps, and trim tabs are specified in Table 2 of this appendix.

(d) *Outboard fins.* Outboard fins must meet the requirements of § 23.445.

* * * * *

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Table 2 - Average limit control surface loading

AVERAGE LIMIT CONTROL SURFACE LOADING			
SURFACE	DIRECTION OF LOADING	MAGNITUDE OF LOADING	CHORDWISE DISTRIBUTION
Horizontal Tail I	a) Up and Down	Figure A5 Curve (2)	See Figure A7
	b) Unsymmetrical Loading (Up and Down)	100% $\bar{w}$ on one side of airplane ℄ 65% $\bar{w}$ on other side of airplane ℄ for normal and utility categories. For acrobatic category see A23.11(c)	
Vertical Tail II	Right and Left	Figure A5 Curve (1)	Same as above
Aileron III	a) Up and Down	Figure A6 Curve (5)	(C) ℄ Hinge, W
Wing Flap IV	a) Up	Figure A6 Curve (4)	(D) 2W, $\bar{W}$
	b) Down	.25 x Up Load (a)	
Trim Tab V	a) Up and Down	Figure A6 Curve (3)	Same as (D) above

NOTE: The surface loading I, II, III, and V above are based on speeds V_A min and V_C min.

The loading of IV is based on V_F min.

If values of speed greater than these minimums are selected for design, the appropriate surface loadings must be multiplied by the ratio $\left(\frac{V_{selected}}{V_{minimum}}\right)^2$.

For conditions I, II, III, and V the multiplying factor used must be the higher of $\left(\frac{V_A \text{ sel.}}{V_A \text{ min.}}\right)^2$ or $\left(\frac{V_C \text{ sel.}}{V_C \text{ min.}}\right)^2$

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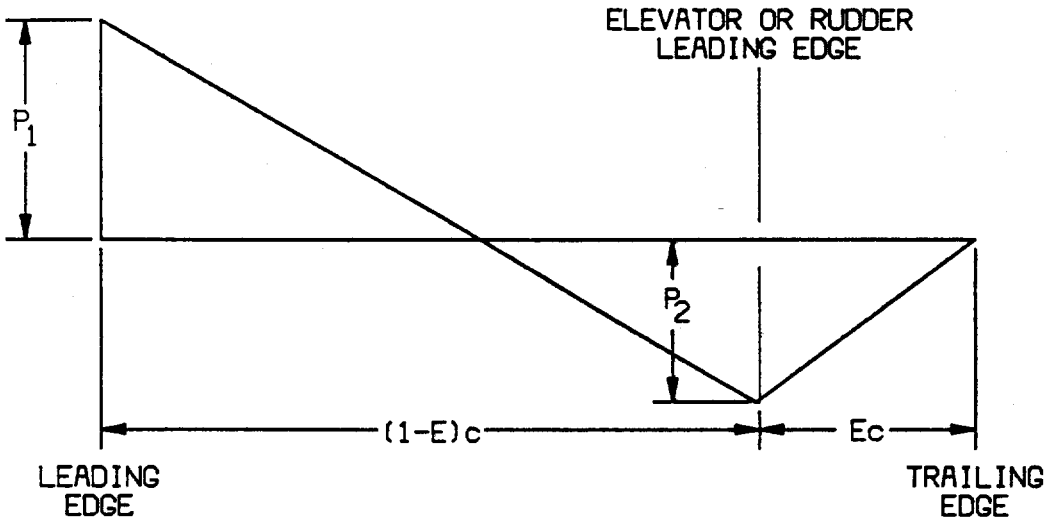
* * * * *

Figure A7.—Chordwise Load Distribution for Stabilizer and Elevator or Fin and Rudder



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$$P_1 = 2(\bar{w})\frac{(2-E-3d')}{(1-E)}$$

$$P_2 = 2(\bar{w})(3d'+E-1)$$

where:

$\bar{w}$=average surface loading (as specified in figure A.5)

E=ratio of elevator (or rudder) chord to total stabilizer and elevator (or fin and rudder) chord.

d′=ratio of distance of center of pressure of a unit spanwise length of combined stabilizer and elevator (or fin and rudder) measured from stabilizer (or fin) leading edge to the local chord. Sign convention is positive when center of pressure is behind leading edge.

c=local chord.

Note: Positive values of $\bar{w}$, P_1 and P_2 are all measured in the same direction.

Issued in Washington, DC, on January 29, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–2081 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 23 and 91

[Docket No. 27806; Amendment No. 23–49, 91–247]

RIN 2120–AE59

Airworthiness Standards; Systems and Equipment Rules Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the systems and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This amendment completes a portion of the Federal Aviation Administration (FAA) and the European Joint Aviation Authorities (JAA) effort to harmonize the Federal Aviation Regulations and the Joint Aviation Requirements (JAR) for airplanes certified in these categories. This amendment will provide nearly uniform systems and equipment standards for airplanes certificated in the United States under 14 CFR part 23 and in JAA countries under Joint Aviation Requirements 23, simplifying international airworthiness approval.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Earsa Tankesley, Aerospace Engineer, Standards Office (ACE–100), Small Airplane Directorate, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426–6932.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 94–21 (59 FR 37620, July 22, 1994). All comments received in response to Notice 94–21 have been considered in adopting this amendment.

This amendment completes part of an effort to harmonize the requirements of part 23 and JAR 23. The revisions to part 23 in this amendment pertain to systems and equipment airworthiness standards. Three other final rules are being issued in this Federal Register that pertain to airworthiness standards for flight, powerplant, and airframe. These related rulemakings are also part of the harmonization effort. Interested persons should review all four final rules to ensure that all revisions to part 23 are recognized.

The harmonization effort was initiated at a meeting in June 1990 of the JAA Council (consisting of JAA members from European countries) and the FAA, during which the FAA Administrator committed the FAA to support the harmonization of the U.S. regulations with the JAR that were being developed. In response to the commitment, the FAA Small Airplane Directorate established an FAA Harmonization Task Force to work with the JAR 23 Study Group to harmonize part 23 with the proposed JAR 23. The General Aviation Manufacturers Association (GAMA) also established a JAR 23/part 23 committee to provide technical assistance.

The FAA, JAA, GAMA, and the Association Europeenne des Constructeurs de Material Aerospatial (AECMA), an organization of European airframe manufacturers, met on several occasions in a continuing harmonization effort.

Near the end of the effort to harmonize the normal, utility, and acrobatic category airplane airworthiness standards, the JAA requested and received recommendations from its member countries on proposed airworthiness standards for commuter category airplanes. Subsequent JAA and FAA meetings on this issue resulted in proposals that were reflected in Notice 94–21 to revise portions of the part 23

commuter category airworthiness standards. Accordingly, this final rule adopts the systems and equipment airworthiness standards for all part 23 airplanes.

In January 1991, the FAA established the Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991). At an FAA/JAA Harmonization Conference in Canada in June 1992, the FAA announced that it would consolidate the harmonization effort within the ARAC structure. The FAA assigned to ARAC the rulemakings related to JAR/part 23 harmonization, which ARAC assigned to the JAR/FAR 23 Harmonization Working Group. The proposals for systems and equipment airworthiness standards contained in Notice 94–21 were a result of both the working group's efforts and the efforts at harmonization that occurred before the formation of the working group.

The JAA submitted comments to the FAA on January 20, 1994, in response to the four draft proposals for harmonization of the part 23 airworthiness standards. The JAA submitted comments again during the comment period of the NPRM. At the April 26, 1995, ARAC JAR/FAR 23 Harmonization Working Group meeting, the JAA noted that many of the comments in the January 20 letter had been satisfied or were no longer relevant. The few remaining items concern issues that are considered beyond the scope of this rulemaking and, therefore, will be dealt with at future FAA/JAA Harmonization meetings.

Discussion of Comments

General

Interested persons were invited to participate in the development of these final rules by submitting written data, views, or arguments to the regulatory docket on or before November 21, 1994. Six commenters responded to Notice 94–21. Two of these commenters, the Civil Aviation Authority (CAA) and the Joint Aviation Authorities (JAA), submitted comments that were identical; therefore, the responses to both commenters are the same. Minor technical and editorial changes have been made to the proposed rules based on relevant comments received and after further review by the FAA.

One general comment was received from Transport Canada. It expressed concurrence with the notice. The comment also noted that the proposals (the comment did not identify the specific sections) are applicable to JAR Very Light Aircraft (VLA) standards for night operations and that it will consider adding these proposals to the Canadian standards for VLA approved for night and Instrument Flight Rule (IFR) operations. It suggests that the FAA may wish to consider this as well.

Discussion of Comments to Specific Sections of Parts 23 and 91

Section 23.677 Trim Systems

Proposed § 23.677(a) would clarify the need to mark the lateral and directional trim indicators with the neutral trim position. Since trim indicators on most airplanes are currently marked with the neutral position of the trimming device, this proposal would standardize the cockpit markings for all airplanes.

Revised paragraph (a) would also add a requirement for the pitch trim indicator to be marked with the proper pitch trim range for the takeoff of the airplane. Some takeoff accidents, including some involving fatalities, have occurred because the pitch trim was not set to the proper range needed for the airplane takeoff.

No comments were received on the proposals for this section. On reviewing the published notice, the FAA discovered the phrase ''center or gravity'' should have read ''center of gravity.''

The proposals are adopted with the above correction.

Section 23.691 Artificial Stall Barrier System

The requirements of § 23.201(c) provide criteria for the in-flight demonstration of wings level stall. The requirements also specify the means of identifying when a stall has occurred. Amendment No. 23–45 (58 FR 42136, August 6, 1993) revised § 23.201(c) by adding the activation of an artificial stall barrier as an acceptable means of identifying when a stall has occurred. Proposed new § 23.691 would provide standards for artificial stall barrier systems if such a system is used to show compliance with § 23.201(c).

Two comments were received on this proposal in which the JAA and the CAA note that the proposal has not been fully discussed by JAA specialists and recommend that the proposal be withdrawn. The JAA also provides a list of 12 issues to be considered if the FAA proceeds with the adoption of the proposal.

The FAA has reviewed the handling of this proposal from the time that it was identified in the original 1990 FAA comments on an early draft of JAR 23. This item was first presented to the JAA specialists for review in 1991 and since that time it has been thoroughly coordinated with the JAA. The JAA's current JAR 23 Notice of Proposed Amendment list contains an item for the inclusion of 23.691 in JAR 23, based on the text in a draft of this final rule. The FAA understands that the JAA expects to adopt the item following the finalization of this rule. Under these circumstances, the FAA does not find it necessary to defer adoption for further consideration.

Moreover, the FAA has reviewed each of the 12 issues that the JAA provided for FAA's consideration, and prepared a response which has been included in the Rules Docket. Since the issues are beyond the scope of the proposal, the FAA has not included them in this final rule publication.

In the course of the FAA's review, however, the FAA noted that the word ''necessary'' in the introductory paragraph of § 23.691 should be changed to ''used,'' to make it clear that the equipment requirements of this section are applicable if a stick pusher system is used in the airplane to show compliance with § 23.201(c).

Section 23.691 is adopted with the above change.

Section 23.697 Wing Flap Controls

Proposed new § 23.697(c) would provide safety standards for the wing flap control levers installed in airplanes that use wing flap settings other than fully retracted when showing compliance with § 23.145.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.701 Flap Interconnection

Section 23.701 (a)(1) and (a)(2) would be revised to clarify the requirements for flap systems installed on part 23 airplanes.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.703 Takeoff Warning System

This proposed new section would require a takeoff warning system on some commuter category airplanes. The requirement would be applicable if the certification flight evaluation showed that an unsafe takeoff condition would result if lift devices or longitudinal trim devices are set to any position outside the approved takeoff range. If the evaluation shows that no unsafe condition would result at any setting of these devices, a takeoff warning system would not be required. For those airplanes on which a warning system must be installed, the proposal would provide requirements for the installation of the system.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.723 Shock Absorption Tests

To correct a grammatical error in the rules, paragraph (b) of this section would be revised by changing the word ''reserved'' in the phrase ''reserved energy absorption capacity'' to ''reserve.''

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.729 Landing Gear Extension and Retraction System

This proposal would revise § 23.729(e) to clarify that a landing gear indicator is required for each gear. This proposal would also add a new § 23.729(g) requiring that if the landing gear bay is used as the location for equipment other than landing gear, that equipment must be designed to minimize damage from items such as a tire burst, or rocks, water, and slush that may enter the landing gear bay.

One comment was received on this section, which suggested that the current requirements do not properly include a standard for amphibious operation. The comment specifically identified the warning horn or similar aural device as confusing and a source of pilot error during operations of an amphibian airplane. The commenter provided a suggestion for a landing gear position indicator on an amphibian airplane that would assist in clarifying this confusion.

Although this comment has merit, the proposed rule did not consider such a requirement, and no action has been taken to include the suggested landing gear position indicator for amphibian airplanes in this final rule. This comment will be retained and the suggestion for an amphibian landing gear indicator will be presented at a future harmonization meeting for specialist consideration and possible future inclusion in part 23/JAR 23.

Although not proposed in the notice, the text of paragraph (g) has been revised to identify sources of equipment damage that should be considered in the application of this requirement.

Section 23.729 is adopted with the above changes.

Section 23.735 Brakes

Section 23.735(a) would be revised to state clearly that wheel brakes must be provided. A proposed new § 23.735(c) would require the brake system to be designed so that the brake manufacturer's specified brake pressures are not exceeded during the landing distance determined in accordance with § 23.75. Proposed new § 23.735(e), applicable to commuter category airplanes, would require establishing the minimum rejected takeoff brake kinetic energy capacity rating of each main wheel brake assembly.

One comment was received on the proposal for § 23.735(e), which noted that the factor, ''0.0443'' is not defined for the kinetic energy formula. The commenter recommends that V be stated in units such as, feet-per-second (or mph, or knots, as required). The commenter notes that the recommended clarification should reduce possible future misunderstanding and confusion, as well as improper brake capacity calculations.

The FAA agrees. The units for ''V'' in the definition of the kinetic energy formula were inadvertently omitted from the proposal for this section. To correct this omission, the definition is being revised to read: ''V=Ground speed, in knots, associated with the maximum value of V_1 selected in accordance with § 23.51(c)(1).''

The proposal is adopted with the above change.

Section 23.745 Nose/Tail Wheel Steering

Proposed new § 23.745 would provide requirements that apply if nose/tail wheel steering is installed.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.775 Windshields and Windows

Section 23.775(a) would be revised to allow internal glass panels of windshields and windows to be constructed of nonsplintering material, as well as nonsplintering glass. Section 23.775(c) would be revised to clarify that the requirement of this section applies to pressurized airplanes if certification for operation up to and including 25,000 feet is requested.

Section 23.775(h), introductory text, and paragraph (h)(1) would be added to require windshield panes of commuter category airplanes that are directly in front of the pilots to withstand the impact of a two-pound bird strike. This requirement is based on a Joint Aviation Authority recommendation to add windshield bird strike protection for commuter category airplanes.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.783 Doors

Proposed paragraph (b) would add a requirement that passenger doors must not be located near any propeller disk or any other potential hazard that could endanger persons using the door. The propeller disk remains the prominent hazard but other items, such as hot deicer surfaces or sharp objects on the airplane structure, are also hazards.

Proposed new paragraph (g) would require lavatory doors, if installed, that would not trap occupants inside a closed and locked lavatory compartment.

No comments were received on the changes proposed for this section, and they are adopted as proposed.

Section 23.785 Seats, Berths, Litters, Safety Belts, and Shoulder Harnesses

Seat requirements of part 23 would be clarified by moving the seat provisions from current § 23.1307(a), which requires a seat or berth for each occupant, to the introductory text of § 23.785. The notice proposed to reference the requirements of § 23.1413, for a metal-to-metal latching device for seat belts and shoulder harnesses, in § 23.785(b). These proposed changes were intended to combine related seat requirements in one section. The JAA and CAA comments note that the phrase ''with metal-to-metal latching device'' is also reflected in § 23.1413, but with different applicability.

The FAA agrees. The proposed changes to this section were made to clarify the seat requirements by including, or referencing, all of the seat requirements in one section. The notice proposal to add the phrase ''with metal-to-metal latching devices as required by § 23.1413'' to paragraph (b) would provide this clarification for normal, utility, or acrobatic category airplanes. However, because this paragraph is not applicable to all categories of airplanes, this change, along with the retention of § 23.1413 could be confusing.

To accomplish the originally intended clarification of the seat requirements, and to correct the applicability differences noted by the commenters, § 23.1413 is being removed and the phrase, ''with metal-to-metal latching device'' is being added to §§ 23.785(b) and 23.785(c). Also, to make § 23.785(c) clearer, it has been divided into two sentences.

Section 23.785 is amended by adopting the introductory text and the revision of paragraphs (b) and (c) as identified above.

Section 23.787 Baggage and Cargo Compartments

Section 23.787 would be revised by extending the present requirements for cargo compartments to baggage compartments. As proposed, future baggage compartments on all airplane categories would be required to: be placarded for their maximum weight capacity; have a means to prevent the baggage from shifting; and have a means to protect controls, wiring, lines, and equipment or accessories that are located in the compartment and whose damage or failure would affect safe operation of the airplane. This revision would result in the commuter category requirements of § 23.787(g) being redundant, and that requirement is being removed.

Proposed revisions to this section would also move the requirements of paragraphs (d) and (f) to a proposed new § 23.855, which would address cargo and baggage compartment fire protection. Proposed new paragraph (c) of this section would require flight crew emergency exits on airplanes that are used only for the carriage of cargo to meet the requirements of § 23.807.

No comments were received on the proposal for this section, and they are adopted as proposed.

Section 23.791 Passenger Information Signs

This proposed new section would require at least one illuminated sign to notify passengers when seat belts should be fastened on those airplanes in whit the flightcrew members cannot observe the other occupants' seats or where the flightcrew members' compartment is separated from the passenger compartment. One comment was received on this proposal, which noted the JAA's support of the proposal to require all airplanes, where the flightcrew members cannot observe the passenger seats, to be equipped with a ''fasten seat belt'' sign. The JAA also identified its intent to take NPA action to propose the same requirement.

Section 23.791 is adopted as proposed.

Section 23.807 Emergency Exits

Proposed new § 23.807(a)(4) would provide the same protection from any propeller disk and other potential hazard for a person who uses emergency exits as that provided by proposed § 23.783(b) for a person who uses a passenger door.

The proposed revision of § 23.807(b) would provide that the inside handles of emergency exits that open outward must be designed so that the emergency exit is protected against inadvertent operation.

The proposed revisions to § 23.807(b)(5) and new § 23.807(b)(6) would apply to acrobatic and utility category airplanes that are approved for maneuvers, such as spinning. The proposed rule would require that emergency exits for these category airplanes allow the occupants to abandon the airplane at certain speeds related to such maneuvers.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.841 Pressurized Cabins

The proposed revision to § 23.841(a) would extend the cabin pressure requirements of current paragraph (a), which now apply to airplanes certificated for operation above 31,000 feet, to airplanes certificated for operation over 25,000 feet.

No comments were received on this proposal, and it is adopted as proposed.

Section 23.853 Passenger and Crew Compartment Interiors

This proposal would revise the section heading from ''Compartment interiors'' to ''Passenger and crew compartment interiors'' to clarify the content of the section.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.855 Cargo and Baggage Compartment Fire Protection

This proposed new section would require the following:

Proposed paragraph (a) would require all sources of heat that are capable of igniting the contents of each cargo and baggage compartment to be shielded and insulated to prevent such ignition.

Proposed paragraph (b) would require cargo and baggage compartments to be constructed of materials that meet the appropriate provisions of § 23.853(d)(3). Currently these requirements apply to commuter category airplanes and to the materials used in the compartments of these airplanes. The proposed new requirement would expand this applicability to the cargo and baggage compartments of all part 23 airplanes. In effect, the proposed new requirement would require materials that are self-extinguishing rather than flame resistant as currently required under § 23.787(d).

Proposed new paragraph (c) would add new fire protection requirements for cargo and baggage compartments for commuter category airplanes. The proposed rule would require one of the following alternatives: (1) Either the compartment must be located where pilots seated at their duty station would easily discover the fire or the compartment must be equipped with a smoke or fire detector system to provide a warning at the pilot's station. Access to the compartment with a fire extinguisher must also be provided; (2) If the cargo or baggage compartment is inaccessible to the flightcrew, it must be equipped with a fire detector system that provides a warning at the pilot's station, and the compartment must have ceiling and sidewall floor panels constructed of materials that have been subjected to and meet the vertical self-extinguishing tests of appendix F of part 23; (3) The Compartment must be constructed and sealed to contain any fire.

Two comments were received on this proposal. The JAA and the CAA comment that proposed paragraph (b) would extend the self-extinguishing standards of § 23.853(d)(3) to the baggage and cargo compartments of all airplanes. JAR 23.855 requires this self-extinguishing standard for commuter category only. The commenters noted that the proposed applicability of this standard to all airplanes has not been agreed to for JAR 23.

There were no objections to the proposal or suggestions for changes, and § 23.855 is adopted as proposed.

Section 23.867 Electrical Bonding and Protection Against Lightning and Static Electricity

This proposed revision would change the heading that precedes § 23.867 from ''Lightning Evaluation'' to ''Electrical Bonding and Lightning Protection.'' It would also revise the section heading from ''Lightning protection of structures'' to ''Electrical bonding and protection against lightning and static electricity.'' The proposed revisions more accurately clarify the content of the section.

No comments were received on this proposal, and it is adopted as proposed.

Section 23.1303 Flight and Navigation Instruments

The introductory text of § 23.1303 would be revised to clarify that the section contains the minimum required instruments. Also, § 23.1303(d) would add a requirement for those airplanes whose performance must be based on weight, altitude, and temperature to be equipped with a free air temperature indicator. A new sentence added to § 23.1303(e)(2) would state that nuisance overspeed warnings should not occur at lower speeds where pilots might ignore the warning. A new paragraph (f) would propose requirements for attitude instruments

that include a means for flightcrew members to adjust the relative position of the attitude reference symbol and the horizon line. Finally, a new paragraph (g) would be added to identify certain specific instruments required for a commuter category airplane.

Two comments were received, which note that the additional instruments proposed for commuter category airplanes are not included in JAR 23. The JAA and the CAA also note that consideration of this proposal is being deferred by the JAA pending the publication of JAR-OPS and a review of the proposal by JAA specialists. (JAR-OPS are the JAR operations requirements issued by JAA.)

The requirement for §23.1303 is adopted as proposed.

Section 23.1307 Miscellaneous Equipment

This proposal would remove § 23.1307(a); these requirements are being added to § 23.785. The discussion of § 23.785 above addresses this change.

Also, the provisions of § 23.1307(b) are being removed from § 23.1307 as proposed. These requirements are stated in §§ 23.1361, 23.1351, and 23.1357, respectively, and are being removed to prevent confusion. The designation of paragraph (c) would be removed since it would no longer be necessary.

Two comments were received on this proposal. In these comments, the JAA and the CAA note that paragraph (c), adopted by Amendment 24–43, is pending a review by the JAA specialist for JAR 23.

The proposal is adopted as proposed.

Section 23.1309 Equipment, Systems, and Installation

Proposed new § 23.1309(a)(4) would correct an omission that occurred when the FAA issued Amendment No. 23–41 (55 FR 43306, October 26, 1990). To correct this oversight, and to continue the single fault provision of this paragraph, § 23.1309(a)(4) was proposed.

Two comments were received on this proposal. The JAA and the CAA note that, although the proposal for § 23.1309(a)(4) is not included in JAR 23, they support it, and will be considered for adoption in JAR 23.

Section 23.1309(a)(4) is adopted as proposed.

Section 23.1311 Electronic Display Instrument Systems

This proposal would revise § 23.1311 to remove redundant requirements and to clarify which secondary instruments are required and the visibility requirements for these instruments.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1321 Arrangement and Visibility

The proposed revision to § 23.1321(d) would remove the wording that limits the instrument location to airplanes certificated for flight under instrument flight rules or airplanes weighing more than 6,000 pounds. Instruments are for the pilot and should be located near that pilot's vertical plane of vision without regard to what flight rules are approved for the airplane's operation or the maximum weight of the airplane.

No comments were received on the proposal, and it is adopted as proposed.

Section 23.1323 Airspeed Indicating System

The proposed new § 23.1323(c) would add a requirement that each airspeed indicating system design and installation should provide positive drainage of moisture from the system.

To better organize the requirements that are applicable to the airspeed systems on all part 23 airplane categories and those that would be additional requirements for the airspeed systems of commuter category airplanes, the FAA proposed to redesignate existing paragraphs (c) and (e), respectively, as paragraphs (e) and (d). By this redesignation, paragraphs (a), (b), (c), and (d) would apply to all airplanes, and paragraphs (e) and (f) would include additional requirements applicable to commuter category airplanes.

The proposal for redesignated paragraph (e) would also remove the words ''in flight and'' from the first sentence of that paragraph. Proposed new § 23.1323(f) would provide that, on those commuter airplanes where duplicate airspeed indicators are required, the airspeed pitot tubes must be located far enough apart so that both tubes would not be damaged by a single bird strike.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1325 Static Pressure System

Current § 23.1325(g) exempts from the requirements of § 23.1325(b)(3) airplanes that are prohibited from flight in instrument meteorological conditions in accordance with § 23.1559(b). The notice proposed to revise § 23.1325(g) by adding airplanes that are prohibited from flight in icing conditions to the airplanes that are currently exempted from the requirements of § 23.1325(b)(3).

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1326 Pitot Heat Indication Systems

Proposed new § 23.1326 would require the installation of a pitot tube heat indicating system on those airplanes required to be equipped with a heated pitot tube.

The comments received from the JAA and the CAA show that this existing requirement in JAR 23 is applicable to commuter category airplanes only. They state that the FAA proposal would be applicable to all airplanes and would result in a continuous indication of pitot heat non-selection in every case. The JAA and the CAA do not support the applicability of this section to all airplanes.

The FAA does not agree that the proposal would be applicable to all airplanes. The proposal would apply only to these airplanes that are required, by § 23.1323(d), to be equipped with a heated pitot tube. By this applicability, airplanes that are approved for instrument flight, or for flight in icing conditions, would be required to be equipped with a heated pitot tube and a heated pitot tube indicator. These are the flight conditions where the pilot needs to be alerted if the pitot heat has not been turned on or if the heater fails. By this applicability, an airplane owner who has installed a heated pitot tube as optional equipment may continue to operate the airplane without a heated pitot tube indicator.

The preamble of the NPRM discusses the safety benefits that would be provided by this change.

The proposal is adopted as proposed.

Section 23.1329 Automatic Pilot System

Section 23.1329(b), as adopted by Amendment No. 23–24 (58 FR 18958, April 9, 1993), does not state clearly that stick controlled airplanes must be equipped with the same autopilot quick release controls that are required for airplanes with control wheels. The proposed revision of § 23.1329(b) would make it clear that a quick release control must be installed on each control stick of an airplane that can be operated from either pilot seat.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1337 Powerplant Instruments Installation

This proposal would revise the heading of this section to accurately reflect the powerplant instrument

installation requirements that it contains. The difference between this section and § 23.1305 is clarified by this change.

Section 23.1337(b) would be revised by removing the wording that authorizes installation of only those fuel indicators marked in gallons and pounds. Section 23.1337(b) would also be revised by adding the word ''usable'' to the first sentence of this section. Proposed new § 23.1337(b)(4) would require a ''means to indicate'' the amount of usable fuel in each tank when the airplane is on the ground.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1351 General

The proposal would revise current § 23.1351 by removing portions of paragraphs (b)(2) and (b)(3) and by removing paragraph (b)(4). The requirements proposed for removal are applicable to alternators that depend upon the battery for initial excitation or for stabilization.

Revised § 23.1351(c)(3) would require an automatic means for reverse current protection.

Section 23.1351(f) would be revised by adding a provision that would require the ground power receptacle to be located where its use will not result in a hazard to the airplane or to people on the ground using the receptacle.

No comments were received on the proposals. The proposals are adopted as proposed, except that paragraph (c)(3) has been revised to clarify that protection for any generator/alternator and the airplane electrical system must be provided.

Section 23.1353 Storage Battery Design and Installation

Proposed new § 23.1353(h) would require that, in the event of a complete loss of the primary electrical power generating system, airplane battery capacity must be sufficient to supply at least 30 minutes of electrical power to those loads essential to the continued safe flight and landing of the airplane.

No comments were received on this proposal, and it is adopted as proposed.

Section 23.1359 Electrical System Fire Protection

Proposed new § 23.1359 would require smoke and fire protection for electrical system installations. Proposed § 23.1359(a) would state that electrical systems must meet the applicable requirements of §§ 23.863 and 23.1182.

Proposed § 23.1359(b) would require that the electrical systems components installed in designated fire zones and used during emergency procedures be fire resistant. This provision is needed to clarify the requirements for electrical system components that may be installed in the designated fire zones identified in § 23.1181.

Finally, § 23.1359(c) would provide burn criteria for electrical wire and cables. A revision to appendix F of part 23 that would add appropriate wire testing criteria was also included in this proposal.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.1361 Master Switch Arrangementt

To harmonize with the JAR this proposal would revise § 23.1361(c) by making an editorial change to remove the last two words of the paragraph that read ''in flight.'' This change will not alter the meaning of the requirement.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1365 Electrical Cables and Equipment

This proposal would revise § 23.1365(b) and would add three new paragraphs.

Section 23.1365(b) would be revised in relation to proposed new § 23.1359(c), which would require self-extinguishing insulated electrical wires and cables. The proposed revisions to § 23.1365(b) would remove the reference to electrical cables from the flame resistance requirement since the cables would be required to have self-extinguishing insulation under § 23.1359(c). The proposed revision retains the requirement for electrical cables and associated equipment to not emit dangerous quantities of toxic fumes when they overheat. The phrase ''at least flame resistant'' in § 23.1365(b) would also be revised by removing the words ''at least.''

The three paragraphs that would be added by this proposal would require: (1) The identification of electrical cables, terminals, and connectors; (2) the protection of electrical cables from damage by external sources; and (3) installation criteria for cables that cannot be protected by a circuit protection device.

No comments were received on the proposals, and they are adopted as proposed.

Section 23.1383 Taxi and Landing Lights

The landing light requirements of § 23.1383 would be revised by adding taxi lights to this section.

Current § 23.1383(a), which requires the lights to be acceptable, would be deleted because it is unnecessary to state this. The paragraphs would be redesignated accordingly.

Current § 23.1383(b)(3) requires that a landing light must be installed to provide enough light for a night landing. Proposed § 23.1383(c) would revise ''night landing'' to ''night operation'' since the requirements would also cover taxiing and parking. Proposed new paragraph (d) would require the lights to be installed so that they do not cause a fire hazard.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1401 Anticollision Light System

This proposal would revise § 23.1401 to require the installation of an anticollision light system on all part 23 airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1413 Safety Belts and Harnesses

The proposals in the notice did not include a revision that would remove this section. However, comments received on the notice proposal for § 23.785 showed that the proposed change, along with the retention of this section could be confusing and, thereby, not accomplish the FAA's intent to clarify the seat requirement.

Section 23.1413 is being removed, and the phrase ''with metal-to-metal latching device'' is being added to §§ 23.785(b) and 23.785(c) to accomplish the intended clarification identified in this notice. This change will not add a substantive requirement.

Section 23.1431 Electronic Equipment

This proposal would add three new paragraphs to § 23.1431. Proposed new paragraph (c) would provide that airplanes required to be operated by more than one flightcrew member be evaluated to determine if the flightcrew members can converse without difficulty when they are seated at their duty stations. Proposed new paragraph (d) would require installed communication equipment to use ''off-on'' transmitter switching that will ensure that the transmitter is turned off when it is not being used. Proposed new paragraph (e) would require that, if provisions for communication headsets are provided, the applicant must demonstrate that flightcrew members will receive all warnings when a headset is being used. The

demonstration must be made under actual cockpit noise conditions.

The Air Line Pilots Association (ALPA) submitted the only comment on this proposal. ALPA expressed concern over the cockpit noise conditions that would be used in the determination of compliance with proposed paragraphs (c) and (e).

This notice preamble identified an earlier harmonization consideration to include text in JAR 23 and this proposal that would have required compliance under actual cockpit noise conditions. The preamble explained that this text was not included because it may be misinterpreted and result in demonstrations being conducted under more severe noise conditions than are needed. ALPA understood this explanation to mean that the FAA had made a determination that compliance demonstrations should not be conducted under the actual cockpit noise conditions that exist when the airplane is being operated. ALPA recommends that the FAA re-evaluate its position.

The FAA has reviewed the record of earlier harmonization discussions where the concerns about noise conditions were first considered. During these discussions, which included industry representatives, it was decided that any requirement for testing under noise conditions could be interpreted to require testing under conditions that were more severe than needed. Accordingly, it was decided that such text should not be included in either JAR or part 23. The FAA agreed with the position reached in these discussions; therefore, these proposals did not include any requirements for testing under noise conditions, and the explanation was placed in the notice to identify why such requirements were not included.

Earlier harmonization and this comment make it clear that the proposals, with or without the requirements for testing under noise conditions, may be misinterpreted. ALPA's interpretation that the FAA had determined that the demonstrations of compliance with these requirements should not be conducted under actual cockpit noise conditions, is not correct. The test for compliance with the requirements should be done under the actual noise conditions.

To clarify the conditions under which these evaluations should be conducted, not withstanding earlier harmonization agreements, these two paragraphs are being revised to include the phrase, ''under actual cockpit noise conditions when the airplane is being operated.''

The proposals for § 23.1431 are adopted with the above-identified revision of paragraphs (c) and (e).

Section 23.1435 Hydraulic Systems

Since the adoption of Amendment No. 23–43 (58 FR 18958, April 9, 1993), the FAA has received questions about the installation of hydraulic accumulators that are permitted by § 23.1435(c). These questions have shown that applicants find § 23.1435(c) difficult to understand. The notice proposed a revision of § 23.1435(c) to clarify the type and size of a hydraulic accumulator or reservoir that may be installed on the engine side of any firewall.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1447 Equipment Standards for Oxygen Dispensing Units

If radio equipment is installed, proposed new § 23.1447(a)(4) would require that flightcrew oxygen dispensing units be designed to allow the use of communication equipment when oxygen is being used.

Revisions to § 23.1447(d) would require the flightcrew oxygen dispensing units to either be the quick donning type or be automatically presented before the cabin pressure altitude exceeds 15,000 feet, if the airplane is certificated for operation above 25,000 feet. The passenger oxygen requirements of former paragraph (e) and (e)(1) have not been revised, but are now contained in new paragraph (e). Proposed paragraph (d) would be revised to provide the flightcrew and the airplane passengers the same level of safety as required by other airworthiness standards (14 CFR part 25). This proposed revision is also consistent with the proposed revision of § 23.841.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1451 Fire Protection for Oxygen Equipment

This proposed new section would specify fire protection for oxygen equipment installations. Section 23.1451(a) and (b) would, respectively, prohibit the installation of oxygen equipment in designated fire zones and require that oxygen system components be protected from the heat from designated fire zones. Proposed § 23.1451(c) would require oxygen equipment and lines to be installed so that escaping oxygen cannot come in contact with grease, fluids, or vapors that may be present.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1453 Protection of Oxygen Equipment From Rupture

Proposed new § 23.1453 would clarify the rupture protection needed for oxygen system installation. Rupture protection for oxygen systems is currently required by the application of the structure load requirements of part 23. The addition of § 23.1453(a) would clarify the application of these load requirements and would identify the need to consider maximum temperatures and pressures that may be present. Section 23.1453(b) would identify the protection to be provided for high pressure oxygen sources and the pressure lines that connect such sources to the oxygen system shutoff valves.

The comments received on this proposal from the JAA and the CAA noted that the word ''high'' in paragraph (b) could lead to confusion and require interpretation. Accordingly, they suggested that the words ''High pressure oxygen sources'' be revised to read as follows: ''Oxygen pressure sources.'' This is the same text that is used in JAR 23.

The FAA agrees with the suggested wording change. When the proposal was originally drafted, the FAA was considering the oxygen source side of the oxygen regulator, the high pressure side, and the passenger dispensing side of the regulator, the low pressure side; thus, the word ''high'' was used.

The suggested change will not alter the requirement's applicability and will be more clearly understood. It is also noted that the suggested text change will more closely align with the same requirement in § 25.1453. Section 23.1453 is changed by revising the first four words of proposed paragraph (b) to read, ''Oxygen pressure sources.''

This section is adopted with the above change.

Section 23.1461 Equipment Containing High Energy Rotors

This proposal would revise paragraph (a) of this section to clarify that the requirements apply to high energy rotors included in an auxiliary power unit (APU).

One comment was received on this proposal. The JAA and the CAA noted that the JAA does not agree that the requirements of this section are applicable to APU's. They suggest that the proposed changes to paragraph (a) not be adopted.

In the preamble of the notice, the FAA identified policy issued after this

section was adopted. That policy indicated that the section was applicable to ''equipment such as APU's and constant speed drives,'' but this policy was not widely distributed to all FAA offices. The proposal in the notice does not alter the policy applicability, but it does clarify the policy.

Removing the proposed change would not alter the situation. The FAA defines ''Equipment containing high energy rotors'' to include APU's and constant speed drives. In cases where rotor containment has been demonstrated by complying with JAA–APU or FAA TSO C77a, this compliance will be examined by the FAA office responsible for the airplane certification. If it is found that this demonstration also meets the requirements of § 23.1461, it will be accepted for the airplane's compliance.

The proposal for § 23.1461 is adopted as proposed.

Appendix F to Part 23—Test Procedure

This proposal would revise appendix F to provide the procedures needed to test electrical wire to ensure that the wire meets the burn requirements of § 23.1359. It would also add procedures for meeting the 45 degree and 60 degree angle burn test requirement proposed in §§ 23.855(c)(2) and 23.1359(c), respectively. Paragraph (b) would clarify the specimen configuration to be used in the proposed testing procedures.

No comments were received on the proposals, and they are adopted as proposed.

Section 91.205 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates: Instrument and Equipment Requirements

Proposed new § 91.205(b)(11) would require that airplanes certificated under § 23.1401 be equipped with an anticollision light system for day visual flight rule (VFR) operations. Day VFR operations are discussed under § 23.1401 of the notice.

No comments were received on the proposed addition to this section, and that addition is adopted as proposed.

Section 91.209 Aircraft Lights

Proposed new § 91.209(b) would require that airplanes equipped with an anticollision light system be operated with the anticollision light system lighted during all types of operations, except when the pilot determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

One commenter believes that the proposal is unacceptable to aircraft operators. This commenter contends that the midair collision statistics are purely conjectural and that any safety benefits are merely guesswork. The commenter also notes that this change would affect an aircraft's dispatch capability, and questions why an airplane that is perfectly capable of being flown should be grounded from daytime flight because something, such as a lamp, is defective.

The FAA agrees that there will be incidents where an airplane will be temporarily grounded from daylight operations until a failure in the light system can be repaired. However, the additional safety cue provided to pilots by operating anticollision light systems will outweigh the cost of maintaining the light system.

The proposed revision of § 91.209 is adopted as proposed.

Regulatory Evaluation, Regulatory Flexibility Determination, and Trade Impact Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that Federal agencies promulgate new regulations or modify existing regulations only if the potential benefits to society justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these assessments, the FAA has determined that this rule: (1) Will generate benefits exceeding its costs and is ''significant'' as defined in the Executive Order 12866; (2) is ''significant'' as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Regulatory Evaluation Summary

This section summarizes the costs and benefits of each provision of the final rule. Many of the provisions in the final rule will impose either no cost or a negligible cost. Such provisions are typically administrative, editorial, clarifying, relieving, or conforming in nature. In addition, the FAA holds that certain provisions have a potential safety benefit that can be achieved with no incremental cost, due primarily to the fact that this rule will apply to future certificated airplanes and retrofitting will not be required. All provisions of the final rule, including those with no or negligible costs, are summarized below. Only those provisions with non-negligible costs are further evaluated in the section that follows. It should be noted that the various cost impacts are not additive since the individual provisions often apply to different airplane types included under part 23. The reader is directed to the full regulatory evaluation in the docket for additional information.

Section	Incremental cost	Benefit
Section 23.677 Trim systems	Negligible	Safety.
Section 23.691 Artificial stall barrier system	None	Administrative.
Section 23.697 Wing flap controls	$480 per certification and $100 per airplane for affected airplanes.	Nominal safety and relief.
Section 23.701 Flap interconnection	None	Clarification.
Section 23.703 Takeoff warning system	$240 per certification for evaluation. Where necessary, $5,120 per certification, $1,000 per airplane and $100 per year.	Nominal safety and relief.
Section 23.723 Shock absorption tests	None	Editorial.
Section 23.729 Landing gear extension and retraction system.	¶(e). None	Clarification.
	¶(g). Negligible, general practice	Minor; general practice.
Section 23.735 Brakes	¶(a). None	Editorial clarification.
	¶(c). None	Administrative.
	¶(e). $240 per certification	Minor safety.
Section 23.745 Nose/Tail wheel steering	None	Minor. Avoids special conditions.
Section 23.775 Windshields and windows	¶(a). None	Relieving.
	¶(c). None	Clarification.

Section	Incremental cost	Benefit
	¶(h). Up to $350,000 per certification	Safety.
Section 23.783 Doors	¶(b). None	Minor safety.
	¶(g). $25 per airplane	Safety.
Section 23.785 Seats, births, litters, safety belts and shoulder harnesses.	None	Editorial organization.
Section 23.787 Baggage and cargo compartments.	¶(a)$1 per airplane	Minor safety.
	¶(b). $60 per certification and up to $100 per airplane.	Safety.
	¶(c). None	Clarification.
Section 23.791 Passenger information signs	$60 per clarification, up to $200 per airplane, and a negligible effect on operating costs.	Safety.
Section 23.807 Emergency exists	¶(a)(4). Expected negligible	Minor safety.
	¶(b) and (b)(5). None	Clarification and editorial.
	¶(b)(6). Where chosen, $10,000 per certification and $500 per airplane.	Safety.
Section 23.841 Pressurized cabins	$1,000 per certification and $2,000 per airplane.	Safety.
Section 23.853 Passenger and crew compartment interiors.	None	Editorial.
Section 23.855 Cargo and baggage compartment fire protection.	¶(a). Less than $40 per airplane	Minor safety.
	¶(b). Less than $200 per airplane	Safety.
	¶(c). Potentially as high as $1,800 per certification, $4,550 per airplane, and $100 per year.	Safety.
Section 23.867 Electrical bonding and protection against lightning and static electricity.	None	Editorial.
Section 23.1303 Flight and navigation instruments.	Introduction. None	Clarification.
	¶(d). Negligible	Safety.
	¶(e)(2). None	Minor safety.
	¶(f). None	Minor safety.
	¶(g)(1). Up to $2,000 per airplane	Safety.
	¶(g)(2). None	Minor safety.
	¶(g)(3). Up to $3,600 per certification and $7,000 per airplane.	Safety.
Section 23.1307 Miscellaneous equipment	None	Editorial and conforming.
Section 23.1309 Equipment, systems, and installations.	None	Minor safety.
Section 23.1311 Electronic display instrument systems.	None	Clarifying, editorial, and relieving.
Section 23.1321 Arrangement and visibility	None	Minor safety.
Section 23.1323 Airspeed indicating system	None	Minor safety.
Section 23.1325 Static pressure system	None	Relieving.
Section 23.1326 Pitot heat indication system	$2,800 per certification, $1,600 per airplane	Safety.
Section 23.1329 Automatic pilot system	None	Clarifying.
Section 23.1337 Powerplant instruments installation.	Heading and ¶(b). None	Clarifying, relieving.
	¶(b)(4). Negligible	Safety.
Section 23.1351 General	¶(b). None	Administrative.
	¶(c)(3). None	Clarifying.
	¶(f). None	Minor safety.
Section 23.1353 Storage battery design and installation.	Where necessary, up to $30 per five years capital, up to $10 per year operating, and $600 per certification.	Safety.
Section 23.1359 Electrical system fire protection.	¶(a). None	Clarifying emphasis.
	¶(b). Negligible	Clarifying.
	¶(c). $240 per certification	Safety.
Section 23.1361 Master switch arrangement	None	Editorial.
Section 23.1365 Electrical cables and equipment.	¶(b). None	Conforming editorial.
	¶(d). $4,400 per certification and $100 per airplane.	Safety.
	¶(e). None	Minor safety.
	¶(f). Negligible	Minor safety.
Section 23.1383 Taxi and landing lights	None	Editorial update.
Section 23.1401 Anticollision light system	Where necessary, $2,400 per certification and $1,600 per airplane.	Safety.
Section 23.1431 Electronic equipment	¶(c). Where necessary, up to $1,200 per certification and $1,600 per airplane.	Safety.
	¶(d). Negligible. Included above	Minor safety.
	¶(e). None or negligible	Safety.

Section	Incremental cost	Benefit
Section 23.1435 Hydraulic systems	None	Clarifying.
Section 23.1447 Equipment standards for oxygen dispensing units.	¶(a)(4). Up to $2,000 per airplane	Safety.
	¶'s (d) and (e). None	Minor safety.
Section 23.1451 Fire protection for oxygen equipment.	None	Safety.
Section 23.1453 Protection of oxygen equipment from rupture.	$960 per certification	Safety.
Section 23.1461 Equipment containing high energy rotors.	None	Clarifying.
Appendix F to Part 23—Test Procedure	None. Considered above	Minor safety.
Section 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.	None	Safety, considered above.
Section 91.209 Aircraft lights	$25 per year per airplane	Safety, considered above.

Evaluation of Provisions With Non-Negligible Projected Costs

This section describes and evaluates those provisions of the rule that are expected to impose costs that are not negligible.

Section 23.697 Wing Flap Controls

New § 23.697(c) provides safety standards for the wing flap control lever installed in airplanes that use wing flap settings other than fully retracted when showing compliance with § 23.145. The FAA estimates that an aerospace engineer could design the flap control lever to meet the requirement in 8 hours at a burdened rate of $60 per hour, totalling $480 per certification. The control lever itself would impose an incremental cost, including installation, of approximately $100 per airplane.

The nominal benefits of this provision will derive from the increased safety afforded the pilot in positively selecting the proper flap setting to maintain longitudinal control. In fact, if a flap position other than fully retracted were needed to maintain longitudinal control: (1) That position would be necessary to prevent an unsafe condition, (2) the airplane would not be certificated under that design, and (3) the airplane would have to be redesigned so that intermediate flap positions would not be needed for control. Paragraph (c) will allow the identification of an intermediate flap position and the positive means of selecting that position. This alternative would rectify the unsafe condition without requiring the manufacturer to redesign the airplane.

Section 23.703 Takeoff Warning System

This new section requires that a takeoff warning system on some commuter category airplanes. The requirement will apply if a flight evaluation shows that an unsafe takeoff condition would result when lift devices on longitudinal trim devices are set to any position outside the approved takeoff range. If the evaluation shows that no unsafe condition could result at any setting of these devices, a takeoff warning system will not be required. For those airplanes on which a warning system must be installed, the rule will provide requirements for the installation of the system.

The FAA estimates that an evaluation to determine whether a takeoff warning system is needed will cost $240 (4 hours of engineering at a burdened rate of $60 per hour). Where needed, the integration design of a warning system will cost $2,400 (40 hours at $60 per hour). In addition, an incremental 4 hours of flight testing at a cost of $2,720 ($500 per hour for two test pilots and $180 per hour for fuel) will be needed to demonstrate the system's performance. The FAA estimates that the system, including acquisition, wiring, micro switches, and labor, will add approximately $1,000 to the cost of each airplane required to have one. Maintenance of such a system will cost approximately $100 per year.

The nominal benefit of this provision derive from the increased safety provided by the takeoff warning system that would activate whenever lift or longitudinal trim devices are not set within their approved takeoff ranges. If an evaluation showed that positions of the lift or longitudinal trim devices could create an unsafe condition on takeoff, the manufacturer is required, under existing regulations, to redesign the devices so that the unsafe positions could not be obtained. The new section will provide relief by allowing the applicant to install a warning system rather than redesigning the trim device(s).

Section 23.735 Brakes

New § 23.735(e), applicable to commuter category airplanes, requires establishing the minimum rejected takeoff brake kinetic energy capacity rating of each main wheel brake assembly. Based on the operating experience of airplanes used in passenger-carrying operations, existing § 23.45 requires the determination of the accelerate-stop distance for commuter category airplanes. New § 23.735 is needed to ensure that the brakes will perform safely under accelerate-stop conditions.

Under the final rule, manufacturers of commuter airplanes may determine the kinetic energy absorption requirements either through a conservation, rational analysis of the sequence of events expected during a rejected takeoff, or by using the formula in new § 23.735(e)(2). The FAA estimates that the determination will cost $240, based on four hours of engineering at a burdened rate of $60 per hour. The potential benefits of the requirement derive from the added safety that will be provided by establishing beforehand the minimum necessity kinetic energy capacity rating of each main wheel brake assembly under rejected takeoff conditions.

Section 23.775 Windshields and Windows

Introductory text and paragraph (h)(1) are added to require that commuter category windshield panes that are directly in front of the pilots be able to withstand the impact of a two pound bird at maximum approach flap speed. By requiring full protection against the strike of a two-pound bird at approach speed, additional protection will also be provided if the airplane strikes a larger bird or strikes a bird at a higher speed.

New § 23.775(h)(2) further requires the panels of the windshield to be so

arranged that, if one is damaged, other panels will remain to provide visibility for continuous safe flight and landing.

The potential cost of § 23.775(h) will vary depending on circumstances of the affected manufacturer. Industry sources estimate that the total nonrecurring cost per certification will range from $250,000 to $350,000, consisting of: (1) Up to $200,000 for a bird strike test article (''bird gun'') if the manufacturer does not have one; and (2) up to $150,000 of time and materials cost for the actual testing.

A manufacturer that has a bird strike test article will not incur additional capital test costs. Most manufacturers will incur up to $150,000 in time and materials costs for the actual testing, but even these costs could be mitigated by the existing need of most manufacturers to perform such tests for export sales to JAA member countries.

Industry sources estimate that there will be no identifiable increment in design or tooling costs since the windshield is an integral part of the initial design. Similarly, little or no recurring costs per airplane (incremental materials, installation, or weight) are projected since it is reasonable to assume that the pressure load, as compared to bird strike resistance, will be the controlling factor in windshield design strength.

The benefit of the revision is the incremental protection against bird strikes that would be afforded to commuter category airplanes. The FAA has reviewed International Civil Aviation Organization (ICAO) data on bird strikes that occurred on member country airplanes weighing 19,000 or fewer pounds from 1981 through 1989. These data shows that approximately 550 strikes occurred and that one out of seven hits the windshield. The data show that:

1. Almost 52 percent of the strikes occurred at altitudes of less than 100 feet, and 26.7 percent occurred between 101 and 1000 feet.

2. Eighty-five percent of the strikes occurred at airspeeds of 150 knots or less.

3. Where bird types were reported, 27.6 percent of strikes involved small birds and 58.6 involved medium size birds (2 pounds or less).

4. Incidents where the airplane was damaged showed that 16.9 percent resulted from small bird strikes and 64 percent resulted from medium size bird strikes.

These data show that most bird strikes occur at takeoff and landing airspeeds, and that birds weighing two pounds or less are struck most often. The standards of the final rule are based on these statistics. Few fatalities and injuries resulted from the bird strikes reported in the ICAO data. Similarly, a review of NTSB accident records between 1982 and 1992 revealed no U.S. accidents resulting from bird strikes to the windshields of commuter category airplanes. As a result, the FAA cannot justify this provision solely on the basis of historical accidents. Instead, the standards are based on the expert recommendations of the ARAC. It is also noted that this standard will be applied to JAA certifications and that U.S. manufacturers wishing to export to JAA countries will be required to meet the standard.

Section 23.783 Doors

New paragraph (g) requires that the locks on lavatory doors, if installed, be designed so that they will not trap occupants. Lavatory door locks used in transport category airplanes (see § 25.783) meet the requirements of this rule. The FAA estimates that the incremental cost of this provision would be no more than $25 per lock. The rule will reduce the likelihood that occupants would be trapped in a locked lavatory, both in emergency and non-emergency situations.

Section 23.787 Baggage and Cargo Compartments

The final rule extends to normal, utility, and acrobatic airplanes the existing commuter requirement to prevent baggage from hazardous shifting. The FAA estimates that an aerospace engineer can analyze the subject loads that would need to be constrained in 1 hour, at a burdened cost of $60 per hour. Tiedowns will cost approximately $50 per baggage compartment, or no more than $100 per airplane. These additional costs apply to normal, utility, and acrobatic airplanes since commuter category airplanes are already subject to the requirement under the existing rule.

The potential benefits of the provision include the reduced likelihood: (1) That baggage compartments would be overloaded, (2) that stowed baggage would shift dangerously, and (3) that essential co-located equipment or wiring would be damaged.

Section 23.791 Passenger Information Signs

This new section requires at least one illuminated sign notifying all passengers when seat belts should be fastened. The requirement will apply only to airplanes where flightcrew members cannot observe occupant seats or where the flightcrew compartment is separated from the passenger compartment. The signs will have to be legible to all seated passengers and to be operable from a crewmember station.

The FAA estimates that an aerospace engineer could design the required sign in 1 hour, at a burdened rate of $60 per hour. The sign would cost approximately $200 per airplane, including parts and installation. Maintenance costs for bulb replacement will be negligible. The weight penalty associated with the light system would also be minor (no more than 2 pounds).

The safety benefits of the change will derive from the increased likelihood that passengers will know when their seat belts should be fastened.

Section 23.807 Emergency Exits

New § 23.807(a)(4) provides the same hazard protection for a person using an emergency exit as that provided by revised § 23.783(b) for a person who uses a passenger door. Emergency exits will not be allowed to be located with respect to a propeller disk or any other hazard in a manner that will endanger persons using that exit.

The FAA holds that no incremental cost will be incurred to meet the standards of the provision for newly certificated airplanes. No comments to the NPRM were received on the potential costs and methods of compliance that manufacturers would choose to comply with this requirement.

Section 23.807(b)(5) revises the current egress requirements for acrobatic airplanes. Section 23.807(b)(6) establishes similar egress standards for utility category airplanes that are certificated for spinning. Industry sources estimate that an aerobatic, quick-release door will cost an incremental $10,000 in engineering design per affected airplane model and an additional $500 per production airplane. Little or no additional weight is expected. These costs will apply only in cases where the manufacturer determines that the marketplace return of a combination type certificate would outweigh the additional costs of design and production.

Section 23.841 Pressurized Cabins

The revision to § 23.841(a) extends the cabin pressure requirements of current paragraph (a), which apply to airplanes certificated for operation above 31,000 feet, to airplanes certificated for operation above 25,000 feet. Current part 25, JAR 25, and proposed JAR 23 include the same requirement. This revision is intended to protect airplane occupants if a malfunction occurs at altitudes where symptoms of hypoxia occur, usually above 25,000 feet.

For airplanes that will be certificated for maximum altitude operation between 25,000 feet and 31,000 feet, the provision requires two additional pressure altitude regulators and associated plumbing. Industry sources estimate that the requirement will cost an incremental $1,000 in engineering design per affected airplane model and $2,000 per production airplane. Any additional weight will be negligible.

The benefits of the proposal derive from the incremental protection against hypoxia afforded to occupants of airplanes certificated for maximum altitudes between 25,000 and 31,000 feet. Due to the increasing use of turbine engines, more part 23 airplanes are likely to be approved for operation above 25,000 feet. In the absence of this rule, an increasing number of occupants would be exposed to the potential for harm in the event of a failure or malfunction of the pressure system on these airplanes.

Section 23.855 Cargo and Baggage Compartment Fire Protection

Paragraph (a) requires all sources of heat within each cargo and baggage compartment that are capable of igniting the compartment contents to be shielded and insulated to prevent such ignition. Existing § 23.787(f) requires that cargo compartment lamps be installed so as to prevent contact between the lamp bulb and cargo. The final rule will clarify and extend this provision to include all sources of heat for baggage as well as cargo compartments.

Lights and (rarely) heaters for pets are typically the only sources of heat located in a baggage or cargo compartment. A wire cage, costing no more than $20, around the heat source would meet these requirements. The FAA estimates that the total cost of compliance per airplane will be no more than $40 in those rare cases where such protection would not have been provided anyway. The benefit of the proposed provision is a reduction in the possibility of fire caused by the ignition of compartment contents by lights or heaters.

Paragraph (b) requires cargo and baggage compartments to be constructed of materials that meet the appropriate provisions of § 23.853(d)(3). Currently these requirements apply to commuter category airplanes and to the materials used in the compartments of these airplanes. The new requirement extends this applicability to the cargo and baggage compartments of all part 23 airplanes. In effect, the new requirement requires materials that are self-extinguishing, rather than flame resistant, as currently required under § 23.787(d).

Information provided by manufacturers shows that materials that meet self-extinguishing flame requirements are available at a slightly higher cost than materials that meet only flame resistant requirements. The FAA conservatively estimates that the incremental costs of complying with § 23.855(b) will be less than $200 per airplane. The safety benefits of this provision will be an increase in cargo and baggage compartment fire protection.

New paragraph (c) adds new fire protection requirements for cargo and baggage compartments for commuter category airplanes. The rule requires one of the following three alternatives:

(1) The compartment must be located where pilots seated at their duty station would easily discover the fire, or the compartment must be equipped with a smoke or fire detector system to provide a warning at the pilot's station. The compartment must also be accessible for fire extinguisher application.

(2) The compartment may be inaccessible, but must be equipped with a fire detector system that provides a warning at the pilot's station, and the compartment must have ceiling and sidewall floor panels constructed of materials that have been subjected to and meet the vertical self-extinguishing tests of appendix F to part 23.

(3) The compartment must be constructed and sealed to contain any fire.

The FAA cannot predict the designs of cargo and baggage compartments for future airplanes. If manufacturers choose to use smoke detectors, however, no more than 2 smoke detectors would be required per airplane. An aerospace engineer can design the smoke detector system in approximately 30 hours at a burdened rate of $60 per hour, for a total cost of $1,800 per certification. Two detectors, including wiring and installation, are estimated to cost about $4,550. Maintenance costs for the smoke detectors will cost approximately $100 per year.

Materials that meet the vertical self-extinguishing tests of appendix F (alternative 2 in the discussion above) will result in incremental costs of less than $200 per airplane. For alternative 3, the FAA estimates that it will cost $500 to construct a sealed compartment, or a total of $1,000 for 2 compartments, if the manufacturer chooses that method of complying with the proposed requirement.

Irrespective of the individual compliance method, the benefits of the provision will come from the increased likelihood that a cargo or baggage compartment fire could either be extinguished or contained.

Section 23.1303 Flight and Navigation Instruments

Revised § 23.1303(d) adds the requirement for a free air temperature indicator for those airplanes whose performance must be based on weight, altitude, and temperature. This requirement already applies to turbine-powered airplanes. The final rule extends the requirement to reciprocating engine-powered airplanes of more than 6,000 pounds. Manufacturers currently include free air temperature indicators as standard equipment on all part 23 airplanes, and would continue to do so in future designs in the absence of the requirement. Since the provision formalizes current practice, any costs would be negligible. Benefits will accrue from the requirement that the information necessary to determine the performance envelope of the airplane be available to the pilot.

New § 23.1303(g) identifies specific instruments, and the limits of those instruments, required for commuter category airplanes. New § 23.1303(g)(1) states that if airspeed limitations vary with altitude, the airspeed indicators must show the variation of the maximum operating limit speed (V_{MO}) with altitude. Industry sources indicate that an airspeed indicator with a V_{MO} ''pointer'' would cost $1,000 more than one without. Since two airspeed indicators are required on commuter airplanes, the incremental cost of this requirement will be $2,000 per commuter category airplane produced. The potential safety benefit of the requirement derives from the requirement that the information necessary to determine the maximum operating limit speed be available at all altitudes.

New § 23.1303(g)(3) requires (for commuter category IFR-approved airplanes with passenger seating configurations of 10 or more) a third, independent, attitude indicator (AI). Industry sources estimate that an aerospace engineer can design and document a third attitude instrument system in 100 hours at a burdened rate of $60 per hour, totalling $6,000 per certification. It is estimated that an AI will cost approximately $8,000, including a standby battery, and that the installation will cost $2,200 for 40 hours of a mechanic's time at a burdened rate of $55 per hour. However, § 23.1311(a)(5), discussed below, deletes the requirement for a rate-of-turn indicator when an independent attitude indicator is installed. The costs

associated with a rate-of-turn indicator include: 40 hours of design and documentation costs, $1,000 per indicator, and 40 hours of installation. Therefore, the *incremental* cost for an IFR-approved airplane with a passenger seating capacity of 10 or more will be $3,600 per certification for 60 hours of engineering (100 hours for the AI, minus 40 hours for the rate-of-turn indicator); and $7,000 per airplane for the instrument ($8,000 for the AI, minus $1,000 for the rate-of-turn indicator); and no additional cost for the installation (40 hours for the AI, minus 40 hours for the rate-of-turn indicator).

The potential safety benefits of a third, independent attitude indicator derive from the reduced potential for erroneous attitude information. Currently, two attitude instruments are required for a ten passenger, IFR-approved commuter category airplane. Service experience has shown that a failure can occur whereby an attitude indicator can appear to be working when it is actually providing incorrect information. During such a failure, pilots may have difficulty determining which instrument to follow, and hazardous flight attitudes may result. A third attitude indicator will allow the crew to retain reliable attitude information even in cases where one instrument is not operating correctly.

Section 23.1326 Pitot Heat Indication System

New § 23.1326 requires the installation of a pitot tube heat indicating system on those airplanes required to be equipped with a heated pitot tube. Heated pitot tubes ensure that moisture will not freeze in the tube and block or partially block the airspeed system.

A pitot heat indicating system, including an in-line current sensor, panel light, and associated wiring, costs approximately $500. According to industry sources, an aerospace engineer can design and document such a system in 20 hours at a burdened rate of $60 per hour, totalling $1,200. A mechanic can install the system in 20 hours at a burdened rate of $55 per hour, totalling $1,100. The estimated non-recurring cost per certification, therefore, will total $2,800 ($1,200 for design, $500 for the certification airplane's indicator, and $1,100 for installation of that indicator). The estimated cost per production airplane will be $1,600 ($500 for the system and $1,100 for installation).

A pitot heat indicating system can advise the pilots of any inoperative heating element in the pitot tube and that subsequent inaccuracies could result. The provision will reduce the likelihood that pilots would rely on inaccurate airspeed information resulting from a blocked or partially blocked pitot tube.

Section 23.1353 Storage Battery Design and Installation

New § 23.1353(h) requires that, in the event of a complete loss of the primary electrical power generating system, airplane battery capacity must be sufficient to supply at least 30 minutes of electrical power to those loads essential to the continued safe flight and landing of the airplane.

In some cases, manufacturers may need to install larger batteries with greater capacities to comply with the requirements. The FAA estimates that the size and capacity of a larger battery will add no more than a few pounds (incremental operating costs of less than $10 per year) and $20 to $30 of additional cost for the battery.

On some airplanes, a ''load shedding'' procedure, where the pilot would sequentially turn off certain equipment, could be required either in place of or in addition to a larger battery. The procedure would be provided in the pilot's operating handbook (POH). The FAA estimates that an aerospace engineer can establish a load shedding procedure in 10 hours at a burdened rate of $60 per hour, for a total cost of $600 per affected certification.

Irrespective of the method of compliance, the provision will increase the likelihood that sufficient electrical power will be available to safely land the airplane in the event of an electrical generating system failure.

Section 23.1359 Electrical System Fire Protection

Revised § 23.1359(c) provides burn criteria for electrical wire and cables. A revision to appendix F to part 23 adds appropriate wire testing criteria. Demonstrating and documenting that electrical wires and cables meet the requirements of this provision will take an aerospace engineer approximately 4 hours at a burdened rate of $60 per hour, for a total cost of $240 per certification. The requirement and testing criteria increase the likelihood that necessary wires and cables will continue to function in the event of a fire.

Section 23.1365 Electrical Cables and Equipment

Section 23.1365(d) adds a requirement for the identification of electrical cables, terminals, and connectors. Different colored wires and/or tags could be used in conjunction with a wiring diagram to identify the cables, terminals, and connectors. The FAA estimates that a draftsman can design and document this identification system in 80 hours at a burdened rate of $55 per hour, a total of $4,400 per certification. Incremental installation costs will be approximately $100 per airplane.

The increasing use of electrical systems in part 23 airplanes has added to the difficulty of wiring installation. The requirement for cable identification will increase the likelihood that cables are correctly installed initially and will be correctly reinstalled as part of later maintenance or modification.

Section 23.1401 Anticollision Light System

The final rule revises § 13.1401 to require the installation of an anticollision light system on all part 23 airplanes. Existing § 23.1401 requires an anticollision light system only if certification for night operations is requested. Many manufacturers currently install anticollision light systems on all airplanes they produce.

Industry sources estimate that an aerospace engineer can design and document an anticollision light system in 40 hours at a burdened rate of $60 per hour, for a total of $2,400 per affected certification. The system will cost $500 and will take a mechanic approximately 20 hours to install at a burdened rate of $55 per hour, a total of $1,600 per affected airplane ($500 + (20 hours × $55 per hour) = $1,600). The weight penalty will be negligible. Only those future models that would not otherwise have anticollision light systems will actually incur incremental costs as a result of this provision.

The increasing speeds resulting from improved technology, especially turbine engines, warrant the use of anticollision lights for day operations as well as night. The reports of midair collisions for 1984 through 1990 document that 269 aircraft were involved in midair collisions in which 108 fatalities occurred. After data were filtered (to account for night operations, IFR conditions, and aircraft not affected by this rule), 167 airplanes were involved in collisions that occurred in daytime VFR conditions. The reports do not reveal whether the airplanes were using anticollision lights at the time of the accidents.

The FAA holds that requiring the installation of anticollision lights on all newly certificated airplanes, and requiring their use during day operations (revised § 91.209), will reduce the number of daylight midair accidents. Even if the requirement were

only 25 percent effective, the accident history indicates that approximately 17 fatalities could be avoided during a similar 6-year period.

Section 23.1431 Electronic Equipment

The final rule adds three new paragraphs to § 23.1431. New paragraph (c) states that airplanes required to be operated by more than one flightcrew member must be evaluated to determine if the flightcrew members, when they are seated at their duty stations, can converse without difficulty under the actual cockpit noise conditions when the airplane is being operated. If the required evaluation shows that the noise level does not impair conversation, no further action would be required. If the evaluation shows that conversation would be difficult, however, an intercommunication system will be required.

The FAA estimates that an evaluation of cockpit noise could be conducted in conjunction with other certification testing, therefore, no incremental costs are associated with the evaluation. An aerospace engineer could design an intercom system in 20 hours at a burdened rate of $60 per hour, for a total of $1,200 per affected certification. The FAA estimates that the addition of an intercom system will cost approximately $500 per airplane. A mechanic could install the system in approximately 20 hours at a burdened rate of $55 per hour. The total incremental production cost for an affected airplane, therefore, will be $1,600 ($500 + (20 hours × $55 per hour)).

New paragraph (d) requires that, if the communication equipment that is installed includes any means of switching from the receive mode to the transmit mode, the equipment must use ''off-on'' transmitter switching that turns the transmitter off when it is not being used. The cost of this feature is included in the $500 cost of the intercom, described above.

NTSB investigations of at least two commuter accidents determined that excessive cockpit noise levels probably adversely affected the ability of the flight crews to communicate. (Bar Harbor Airlines, Flight 1808, August 25, 1985, 8 fatalities; and Henson Airlines, Flight 1517, September 23, 1985, 14 fatalities.) As a result, the Board recommended (Recommendation No. A–86–113) that the FAA require the installation and use of crew interphone systems in the cockpit of airplanes operating under part 135. The benefit of the new requirement derives from the increased likelihood that flightcrew members will be able to converse without difficulty and that the safety hazard of miscommunication will be reduced.

Section 23.1447 Equipment Standards for Oxygen Dispensing Units

New § 23.1447(a)(4) requires that if radio equipment is installed in an airplane, flightcrew oxygen dispensing units must be designed to allow use of the communication equipment when oxygen is being used.

Industry sources estimate that an oxygen mask with an integral microphone costs $1,000 more than an oxygen mask without a microphone. The costs per affected airplane, therefore, will be $2,000 for two masks. The benefit of the requirement is that it will allow flightcrew communication under all operating conditions, including operations when oxygen is required.

Section 23.1453 Protection of Oxygen Equipment From Rupture

This new section clarifies the rupture protection needed for oxygen system installation. Rupture protection for oxygen systems is currently required by the application of the structures load requirements of part 23. The addition of § 23.1453(a) clarifies the application of these load requirements and identifies the need to consider maximum temperatures and pressures that may be present. Section 23.1453(b) identifies the protection to be provided for oxygen pressure sources and the lines that connect these sources to the oxygen system shutoff valves.

Industry sources estimate that an aerospace engineer could analyze and document the loads on each element of the oxygen system in 16 hours at a burdened rate of $60 per hour, for a total cost of $960. The routing of oxygen pressure sources and lines to protect them from unsafe temperatures and crash landings would be part of an airplane's basic design and will not impose incremental costs.

Section 91.209 Aircraft Lights

New § 91.209(b) requires airplanes equipped with an anticollision light system to operate those lights during all operations, including daytime VFR.

The incremental cost of this provision consists of light bulb replacement. The FAA estimates that a light bulb for an anticollision light system costs approximately $50 and that this provision would necessitate an incremental bulb replacement every two years. Accordingly, the cost is projected to equal $25 per year, per affected operating airplane. The FAA holds that any grounding of an airplane due to a faulty bulb or light system will be rare and quickly corrected. The cost of such grounding will be negligible, when compared with the safety benefits of operating anticollision light systems.

In summary, the FAA holds that the benefits of the rule, though not directly quantifiable, will exceed the expected costs. Each of the provisions, as well as the entire final rule, will be cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a Regulatory Flexibility Analysis if a proposed or final rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions. The Order defines ''small entities'' in terms of thresholds, ''significant economic impact'' in terms of annualized costs thresholds, and ''substantial number'' as a number which is not less than eleven and which is more than one-third of the small entities subject to the proposed or final rule.

Order 2100.14A specifies a size threshold for classification as a small manufacturer as 75 or fewer employees. There are approximately 8 small part 23 airplane manufacturers. The annualized cost threshold for significant impact, expressed in 1995 dollars, is $18,700. No part 23 airplane manufacturer's annualized cost will exceed this cost threshold.

Order 2100.14A specifies a size threshold for classification as a small operator as 9 aircraft owned. The annualized cost threshold for significant impact, expressed in 1995 dollars, are $67,000 for air carriers whose fleet has a seating capacity of fewer than 60 and $4,700 for an unscheduled operator. No part 23 airplane operator's annualized cost will exceed this cost threshold.

The amendments in the final rule, therefore, will not have a significant economic impact on a substantial number of small entities.

Trade Impact Assessment

The rule will not constitute a barrier to international trade, including the export of U.S. airplanes to foreign countries and the import of foreign airplanes into the United States. Instead,

the systems airworthiness standards have been harmonized with those of the Joint Aviation Authorities and will result in cost savings to manufacturers in the United States and in JAA member countries.

Federalism Implications

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

Conclusion

The FAA is revising the airworthiness standards to provide systems and equipment standards for normal, utility, acrobatic, and commuter category airplanes that are substantively the same as the standards that will be proposed for the same category airplanes by the Joint Aviation Authorities in Europe. The revision will reduce the regulatory burden on the United States and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in the United States or in a country that is a member of the JAA.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation, the FAA has determined that this regulation is significant under Executive Order 12866. In addition, the FAA certifies that this regulation, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This final rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A regulatory evaluation of the rule has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

14 CFR Part 91

Aircraft, Aviation safety, Safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR parts 23 and 91 as follows:

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES.

1. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

2. Section 23.677(a) is revised to read as follows:

§ 23.677 Trim systems.

(a) Proper precautions must be taken to prevent inadvertent, improper, or abrupt trim tab operation. There must be means near the trim control to indicate to the pilot the direction of trim control movement relative to airplane motion. In addition, there must be means to indicate to the pilot the position of the trim device with respect to both the range of adjustment and, in the case of lateral and directional trim, the neutral position. This means must be visible to the pilot and must be located and designed to prevent confusion. The pitch trim indicator must be clearly marked with a position or range within which it has been demonstrated that take-off is safe for all center of gravity positions and each flap position approved for takeoff.

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3. A new § 23.691 is added to read as follows:

§ 23.691 Artificial stall barrier system.

If the function of an artificial stall barrier, for example, stick pusher, is used to show compliance with § 23.201(c), the system must comply with the following:

(a) With the system adjusted for operation, the plus and minus airspeeds at which downward pitching control will be provided must be established.

(b) Considering the plus and minus airspeed tolerances established by paragraph (a) of this section, an airspeed must be selected for the activation of the downward pitching control that provides a safe margin above any airspeed at which any unsatisfactory stall characteristics occur.

(c) In addition to the stall warning required § 23.07, a warning that is clearly distinguishable to the pilot under all expected flight conditions without requiring the pilot's attention, must be provided for faults that would prevent the system from providing the required pitching motion.

(d) Each system must be designed so that the artificial stall barrier can be quickly and positively disengaged by the pilots to prevent unwanted downward pitching of the airplane by a quick release (emergency) control that meets the requirements of § 23.1329(b).

(e) A preflight check of the complete system must be established and the procedure for this check made available in the Airplane Flight Manual (AFM). Preflight checks that are critical to the safety of the airplane must be included in the limitations section of the AFM.

(f) For those airplanes whose design includes an autopilot system:

(1) A quick release (emergency) control installed in accordance with § 23.1329(b) may be used to meet the requirements of paragraph (d), of this section, and

(2) The pitch servo for that system may be used to provide the stall downward pitching motion.

(g) In showing compliance with § 23.1309, the system must be evaluated to determine the effect that any announced or unannounced failure may have on the continued safe flight and landing of the airplane or the ability of the crew to cope with any adverse conditions that may result from such failures. This evaluation must consider the hazards that would result from the airplane's flight characteristics if the system was not provided, and the hazard that may result from unwanted downward pitching motion, which could result from a failure at airspeeds above the selected stall speed.

4. Section 23.697(c) is added to read as follows:

§ 23.697 Wing flap controls

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(c) If compliance with § 23.145(b)(3) necessitates wing flap retraction to positions that are not fully retracted, the wing flap control lever settings corresponding to those positions must be positively located such that a definite change of direction of movement of the lever is necessary to select settings beyond those settings.

5. Section 23.701 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 23.701 Flap interconnection.

(a) * * *

(1) Be synchronized by a mechanical interconnection between the movable flap surfaces that is independent of the flap drive system; or by an approved equivalent means; or

(2) Be designed so that the occurrence of any failure of the flap system that would result in an unsafe flight

characteristic of the airplane is extremely improbable; or

* * * * *

6. A new § 23.703 is added to read as follows:

§ 23.703 Takeoff warning system.

For commuter category airplanes, unless it can be shown that a lift or longitudinal trim device that affects the takeoff performance of the aircraft would not give an unsafe takeoff configuration when selection out of an approved takeoff position, a takeoff warning system must be installed and meet the following requirements:

(a) The system must provide to the pilots an aural warning that is automatically activated during the initial portion of the takeoff role if the airplane is in a configuration that would not allow a safe takeoff. The warning must continue until—

(1) The configuration is changed to allow safe takeoff, or

(2) Action is taken by the pilot to abandon the takeoff roll.

(b) The means used to activate the system must function properly for all authorized takeoff power settings and procedures and throughout the ranges of takeoff weights, altitudes, and temperatures for which certification is requested.

§ 23.723 [Amended]

7. Section 23.723(b) is amended by changing the word ''reserved'' to ''reserve''.

8. Section 23.729 is amended by revising paragraph (e) and by adding a new paragraph (g) to read as follows:

§ 23.729 Landing gear extension and retraction system.

* * * * *

(e) *Position indicator.* If a retractable landing gear is used, there must be a landing gear position indicator (as well as necessary switches to actuate the indicator) or other means to inform the pilot that each gear is secured in the extended (or retracted) position. If switches are used, they must be located and coupled to the landing gear mechanical system in a manner that prevents an erroneous indication of either ''down and locked'' if each gear is not in the fully extended position, or ''up and locked'' if each landing gear is not in the fully retracted position.

* * * * *

(g) *Equipment located in the landing gear bay.* If the landing gear bay is used as the location for equipment other than the landing gear, that equipment must be designed and installed to minimize damage from items such as a tire burst, or rocks, water, and slush that may enter the landing gear bay.

9. Section 23.735 is amended by redesignating paragraph (c) as paragraph (d), by revising the introductory text of paragraph (a), and by adding new paragraphs (c) and (e) to read as follows:

§ 23.735 Brakes.

(a) Brakes must be provided. The landing brake kinetic energy capacity rating of each main wheel brake assembly must not be less than the kinetic energy absorption requirements determined under either of the following methods:

* * * * *

(c) During the landing distance determination required by § 23.75, the pressure on the wheel braking system must not exceed the pressure specified by the brake manufacturer.

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(e) In addition, for commuter category airplanes, the rejected takeoff brake kinetic energy capacity rating of each main wheel brake assembly must not be less than the kinetic energy absorption requirements determined under either of the following methods—

(1) The brake kinetic energy absorption requirements must be based on a conservative rational analysis of the sequence of events expected during a rejected takeoff at the design takeoff weight.

(2) Instead of a rational analysis, the kinetic energy absorption requirements for each main wheel brake assembly may be derived from the following formula—

$$KE=0.0443\ WV^2N$$

where,

KE=Kinetic energy per wheel (ft.-lbs.);

W=Design takeoff weight (lbs.);

V=Ground speed, in knots, associated with the maximum value of V_1 selected in accordance with § 23.51(c)(1);

N=Number of main wheels with brakes.

10. A new § 23.745 is added to read as follows:

§ 23.745 Nose/tail wheel steering.

(a) If nose/tail wheel steering is installed, it must be demonstrated that its use does not require exceptional pilot skill during takeoff and landing, in crosswinds, or in the event of an engine failure; or its use must be limited to low speed maneuvering.

(b) Movement of the pilot's steering control must not interfere with the retraction or extension of the landing gear.

11. Section 23.775 is amended by revising paragraphs (a) and (c); by redesignating paragraphs (d) and (e) as paragraphs (e) and (d); by revising the newly designated paragraph (e); and by adding a new paragraph (h) to read as follows:

§ 23.775 Windshields and windows.

(a) The internal panels of windshields and windows must be constructed of a nonsplintering material, such as nonsplintering safety glass.

* * * * *

(c) On pressurized airplanes, if certification for operation up to and including 25,000 feet is requested, an enclosure canopy including a representative part of the installation must be subjected to special tests to account for the combined effects of continuous and cyclic pressurization loadings and flight loads, or compliance with the fail-safe requirements of paragraph (d) of this section must be shown.

* * * * *

(e) The windshield and side windows forward of the pilot's back when the pilot is seated in the normal flight position must have a luminous transmittance value of not less than 70 percent.

* * * * *

(h) In addition, for commuter category airplanes, the following applies:

(1) Windshield panes directly in front of the pilots in the normal conduct of their duties, and the supporting structures for these panes, must withstand, without penetration, the impact of a two-pound bird when the velocity of the airplane (relative to the bird along the airplane's flight path) is equal to the airplane's maximum approach flap speed.

(2) The windshield panels in front of the pilots must be arranged so that, assuming the loss of vision through any one panel, one or more panels remain available for use by a pilot seated at a pilot station to permit continued safe flight and landing.

12. Section 23.783 is amended by revising paragraph (b) and by adding a new paragraph (g) to read as follows:

§ 23.783 Doors.

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(b) Passenger doors must not be located with respect to any propeller disk or any other potential hazard so as to endanger persons using the door.

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(g) If lavatory doors are installed, they must be designed to preclude an occupant from becoming trapped inside the lavatory. If a locking mechanism is installed, it must be capable of being unlocked from outside of the lavatory.

13. Section 23.785 is amended by adding introductory text and by revising paragraphs (b) and (c) to read as follows:

§ 23.785 Seats, berths, litters, safety belts and shoulder harnesses.

There must be a seat or berth for each occupant that meets the following:

* * * * *

(b) Each forward-facing or aft-facing seat/restraint system in normal, utility, or acrobatic category airplanes must consist of a seat, a safety belt, and a shoulder harness, with a metal-to-metal latching device, that are designed to provide the occupant protection provisions required in § 23.562. Other seat orientations must provide the same level of occupant protection as a forward-facing or aft-facing seat with a safety belt and a shoulder harness, and must provide the protection provisions of § 23.562.

(c) For commuter category airplanes, each seat and the supporting structure must be designed for occupants weighing at least 170 pounds when subjected to the inertia loads resulting from the ultimate static load factors prescribed in § 23.561(b)(2) of this part. Each occupant must be protected from serious head injury when subjected to the inertia loads resulting from these load factors by a safety belt and shoulder harness, with a metal-to-metal latching device, for the front seats and a safety belt, or a safety belt and shoulder harness, with a metal-to-metal latching device, for each seat other than the front seats.

* * * * *

14. Section 23.787 is revised to read as follows:

§ 23.787 Baggage and cargo compartments.

(a) Each baggage and cargo compartment must:

(1) Be designed for its placarded maximum weight of contents and for the critical load distributions at the appropriate maximum load factors corresponding to the flight and ground load conditions of this part.

(2) Have means to prevent the contents of any compartment from becoming a hazard by shifting, and to protect any controls, wiring, lines, equipment or accessories whose damage or failure would affect safe operations.

(3) Have a means to protect occupants from injury by the contents of any compartment, located aft of the occupants and separated by structure, when the ultimate forward inertial load factor is 9g and assuming the maximum allowed baggage or cargo weight for the compartment.

(b) Designs that provide for baggage or cargo to be carried in the same compartment as passengers must have a means to protect the occupants from injury when the baggage or cargo is subjected to the inertial loads resulting from the ultimate static load factors of § 23.561(b)(3), assuming the maximum allowed baggage or cargo weight for the compartment.

(c) For airplanes that are used only for the carriage of cargo, the flightcrew emergency exits must meet the requirements of § 23.807 under any cargo loading conditions.

15. A new § 23.791 is added to read as follows:

§ 23.791 Passenger information signs.

For those airplanes in which the flightcrew members cannot observe the other occupants' seats or where the flightcrew members' compartment is separated from the passenger compartment, there must be at least one illuminated sign (using either letters or symbols) notifying all passengers when seat belts should be fastened. Signs that notify when seat belts should be fastened must:

(a) When illuminated, be legible to each person seated in the passenger compartment under all probable lighting conditions; and

(b) Be installed so that a flightcrew member can, when seated at the flightcrew member's station, turn the illumination on and off.

16. Section 23.807 is amended by revising paragraphs (b) introductory text and (b)(5) and by adding new paragraphs (a)(4) and (b)(6) to read as follows:

§ 23.807 Emergency exits.

(a) * * *

(4) Emergency exits must not be located with respect to any propeller disk or any other potential hazard so as to endanger persons using that exit.

(b) *Type and operation.* Emergency exits must be movable windows, panels, canopies, or external doors, openable from both inside and outside the airplane, that provide a clear and unobstructed opening large enough to admit a 19-by-26-inch ellipse. Auxiliary locking devices used to secure the airplane must be designed to be overridden by the normal internal opening means. The inside handles of emergency exits that open outward must be adequately protected against inadvertent operation. In addition, each emergency exit must—

* * * * *

(5) In the case of acrobatic category airplanes, allow each occupant to abandon the airplane at any speed between V_{SO} and V_D; and

(6) In the case of utility category airplanes certificated for spinning, allow each occupant to abandon the airplane at the highest speed likely to be achieved in the maneuver for which the airplane is certificated.

* * * * *

§ 23.841 [Amended]

17. Section 23.841 is amended in paragraph (a) by removing the number ''31,000'' and replacing it with ''25,000''.

18. Section 23.853 is amended by revising the section heading to read as follows:

§ 23.853 Passenger and crew compartment interiors.

* * * * *

19. A new § 23.855 is added to read as follows:

§ 23.855 Cargo and baggage compartment fire protection.

(a) Sources of heat within each cargo and baggage compartment that are capable of igniting the compartment contents must be shielded and insulated to prevent such ignition.

(b) Each cargo and baggage compartment must be constructed of materials that meet the appropriate provisions of § 23.853(d)(3).

(c) In addition, for commuter category airplanes, each cargo and baggage compartment must:

(1) Be located where the presence of a fire would be easily discovered by the pilots when seated at their duty station, or it must be equipped with a smoke or fire detector system to give a warning at the pilots' station, and provide sufficient access to enable a pilot to effectively reach any part of the compartment with the contents of a hand held fire extinguisher, or

(2) Be equipped with a smoke or fire detector system to give a warning at the pilots' station and have ceiling and sidewall liners and floor panels constructed of materials that have been subjected to and meet the 45 degree angle test of Appendix F of this part. The flame may not penetrate (pass through) the material during application of the flame or subsequent to its removal. The average flame time after removal of the flame source may not exceed 15 seconds, and the average glow time may not exceed 10 seconds. The compartment must be constructed to provide fire protection that is not less than that required of its individual panels; or

(3) Be constructed and sealed to contain any fire within the compartment.

20. Section 23.867 is amended by revising the heading that precedes the section and the section heading to read as follows:

Electrical Bonding and Lighting Protection

§ 23.867 Electrical bonding and protection against lightning and static electricity.

* * * * *

21. Section 23.1303 is amended by revising the introductory text; by amending paragraph (d) by inserting the words ''reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and'' between the words ''For'' and ''turbine''; by amending paragraph (e) concluding text by adding a line to read, ''The lower limit of the warning device must be set to minimize nuisance warning;'' at the end of the paragraph and by adding new paragraphs (f) and (g) to read as follows:

§ 23.1303 Flight and navigation instruments.

The following are the minimum required flight and navigation instruments:

* * * * *

(f) When an attitude display is installed, the instrument design must not provide any means, accessible to the flightcrew, of adjusting the relative positions of the attitude reference symbol and the horizon line beyond that necessary for parallax correction.

(g) In addition, for commuter category airplanes:

(1) If airspeed limitations vary with altitude, the airspeed indicator must have a maximum allowable airspeed indicator showing the variation of V_{MO} with altitude.

(2) The altimeter must be a sensitive type.

(3) Having a passenger seating configuration of 10 or more, excluding the pilot's seats and that are approved for IFR operations, a third attitude instrument must be provided that:

(i) Is powered from a source independent of the electrical generating system;

(ii) Continues reliable operation for a minimum of 30 minutes after total failure of the electrical generating system;

(iii) Operates independently of any other attitude indicating system;

(iv) Is operative without selection after total failure of the electrical generating system;

(v) Is located on the instrument panel in a position acceptable to the Administrator that will make it plainly visible to and usable by any pilot at the pilot's station; and

(vi) Is appropriately lighted during all phases of operation.

§ 23.1307 [Amended]

22. Section 23.1307 is amended by removing paragraphs (a) and (b); and by removing the designation from paragraph (c).

23. Section 23.1309(a)(4) is added to read as follows:

§ 23.1309 Equipment, systems, and installations.

(a) * * *

(4) In a commuter category airplane, must be designed to safeguard against hazards to the airplane in the event of their malfunction or failure.

* * * * *

24. Section 23.1311 is revised to read as follows:

§ 23.1311 Electronic display instrument systems.

(a) Electronic display indicators, including those with features that make isolation and independence between powerplant instrument systems impractical, must:

(1) Meet the arrangement and visibility requirements of § 23.1321.

(2) Be easily legible under all lighting conditions encountered in the cockpit, including direct sunlight, considering the expected electronic display brightness level at the end of an electronic display indictor's useful life. Specific limitations on display system useful life must be contained in the Instructions for Continued Airworthiness required by § 23.1529.

(3) Not inhibit the primary display of attitude, airspeed, altitude, or powerplant parameters needed by any pilot to set power within established limitations, in any normal mode of operation.

(4) Not inhibit the primary display of engine parameters needed by any pilot to properly set or monitor powerplant limitations during the engine starting mode of operation.

(5) Have an independent magnetic direction indicator and either an independent secondary mechanical altimeter, airspeed indicator, and attitude instrument or individual electronic display indicators for the altitude, airspeed, and attitude that are independent from the airplane's primary electrical power system. These secondary instruments may be installed in panel positions that are displaced from the primary positions specified by § 23.1321(d), but must be located where they meet the pilot's visibility requirements of § 23.1321(a).

(6) Incorporate sensory cues for the pilot that are equivalent to those in the instrument being replaced by the electronic display indicators.

(7) Incorporate visual displays of instrument markings, required by §§ 23.1541 through 23.1553, or visual displays that alert the pilot to abnormal operational values or approaches to established limitation values, for each parameter required to be displayed by this part.

(b) The electronic display indicators, including their systems and installations, and considering other airplane systems, must be designed so that one display of information essential for continued safe flight and landing will remain available to the crew, without need for immediate action by any pilot for continued safe operation, after any single failure or probable combination of failures.

(c) As used in this section, ''instrument'' includes devices that are physically contained in one unit, and devices that are composed of two or more physically separate units or components connected together (such as a remote indicating gyroscopic direction indicator that includes a magnetic sensing element, a gyroscopic unit, an amplifier, and an indicator connected together). As used in this section, ''primary'' display refers to the display of a parameter that is located in the instrument panel such that the pilot looks at it first when wanting to view that parameter.

§ 23.1321 [Amended]

25. Section 23.1321 is amended by removing the words ''certificated for flight under instrument flight rules or of more than 6,000 pounds maximum weight'' from paragraph (d) introductory text.

26. Section 23.1323 is amended by removing paragraph (d); redesignating paragraph (e) as (d) and paragraph (c) as (e); by removing the words ''in flight and'' from the first sentence of redesignated paragraph (e); and by adding new paragraphs (c) and (f) to read as follows:

§ 23.1323 Airspeed indicating system.

* * * * *

(c) The design and installation of each airspeed indicating system must provide positive drainage of moisture from the pitot static plumbing.

* * * * *

(f) For commuter category airplanes, where duplicate airspeed indicators are required, their respective pitot tubes must be far enough apart to avoid damage to both tubes in a collision with a bird.

§ 23.1325 [Amended]

27. Section 23.1325 is amended by inserting the words ''or icing'' between the words ''meteorological'' and ''conditions'' in paragraph (g).

28. A new § 23.1326 is added to read as follows:

§ 23.1326 Pitot heat indication systems.

If a flight instrument pitot heating system is installed to meet the requirements specified in § 23.1323(d), an indication system must be provided to indicate to the flight crew when that pitot heating system is not operating. The indication system must comply with the following requirements:

(a) The indication provided must incorporate an amber light that is in clear view of a flightcrew member.

(b) The indication provided must be designed to alert the flight crew if either of the following conditions exist:

(1) The pitot heating system is switched ''off.''

(2) The pitot heating system is switched ''on'' and any pitot tube heating element is inoperative.

§ 23.1329 [Amended]

29. Section 23.1329(b) is amended by adding the parenthetical phrase ''(both stick controls, if the airplane can be operated from either pilot seat)'' between the words, ''or on the stick control,'' and the word ''such''.

30. Section 23.1337 is amended by revising the section heading, by revising the introductory text of paragraph (b), by redesignating paragraphs (b)(4) and (b)(5) as paragraph (b)(5) and (b)(6), respectively, and by adding a new paragraph (b)(4) to read as follows:

§ 23.1337 Powerplant instruments installation.

* * * * *

(b) *Fuel quantity indication.* There must be a means to indicate to the flightcrew members the quantity of usable fuel in each tank during flight. An indicator calibrated in appropriate units and clearly marked to indicate those units must be used. In addition:

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(4) There must be a means to indicate the amount of usable fuel in each tank when the airplane is on the ground (such as by a stick gauge);

* * * * *

31. Section 23.1351 is amended by removing paragraph (b)(4), by redesignating paragraph (b)(5) as (b)(4), by adding a sentence to the end of paragraph (f) that reads, ''The external power connection must be located so that its use will not result in a hazard to the airplane or ground personnel'', and by revising paragraphs (b)(2), (b)(3), and (c)(3) to read as follows:

§ 23.1351 General.

* * * * *

(b) * * *

(2) Electric power sources must function properly when connected in combination or independently.

(3) No failure or malfunction of any electric power source may impair the ability of any remaining source to supply load circuits essential for safe operation.

* * * * *

(c) * * *

(3) Automatic means must be provided to prevent damage to any generator/alternator and adverse effects on the airplane electrical system due to reverse current. A means must also be provided to disconnect each generator/alternator from the battery and other generators/alternators.

* * * * *

32. Section 23.1353(h) is added to read as follows:

§ 23.1353 Storage battery design and installation.

* * * * *

(h) In the event of a complete loss of the primary electrical power generating system, the battery must be capable of providing at least 30 minutes of electrical power to those loads that are essential to continued safe flight and landing. The 30 minute time period includes the time needed for the pilots to recognize the loss of generated power and take appropriate load shedding action.

33. A new § 23.1359 is added to read as follows:

§ 23.1359 Electrical system fire protection.

(a) Each component of the electrical system must meet the applicable fire protection requirements of §§ 23.863 and 23.1182.

(b) Electrical cables, terminals, and equipment in designated fire zones that are used during emergency procedures must be fire-resistant.

(c) Insulation on electrical wire and electrical cable must be self-extinguishing when tested at an angle of 60 degrees in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length must not exceed 3 inches (76 mm) and the average flame time after removal of the flame source must not exceed 30 seconds. Drippings from the test specimen must not continue to flame for more than an average of 3 seconds after falling.

§ 23.1361 [Amended]

34. Section 23.1361(c) is amended by removing the last two words ''in flight''.

35. Section 23.1365 is amended by revising paragraph (b) and by adding new paragraphs (d), (e), and (f) to read as follows:

§ 23.1365 Electrical cables and equipment.

* * * * *

(b) Any equipment that is associated with any electrical cable installation and that would overheat in the event of circuit overload or fault must be flame resistant. That equipment and the electrical cables must not emit dangerous quantities of toxic fumes.

* * * * *

(d) Means of identification must be provided for electrical cables, terminals, and connectors.

(e) Electrical cables must be installed such that the risk of mechanical damage and/or damage cased by fluids vapors, or sources of heat, is minimized.

(f) Where a cable cannot be protected by a circuit protection device or other overload protection, it must not cause a fire hazard under fault conditions.

36. Section 23.1383 is revised to read as follows:

§ 23.1383 Taxi and landing lights.

Each taxi and landing light must be designed and installed so that:

(a) No dangerous glare is visible to the pilots.

(b) The pilot is not seriously affected by halation.

(c) It provides enough light for night operations.

(d) It does not cause a fire hazard in any configuration.

37. Section 23.1401 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 23.1401 Anticollision light system.

(a) *General.* The airplane must have an anticollision light system that:

* * * * *

§ 23.1413 [Amended]

38. Section 23.1413 is removed.

39. Section 23.1431 is amended by adding new paragraphs (c), (d), and (e) to read as follows:

§ 23.1431 Electronic equipment.

* * * * *

(c) For those airplanes required to have more than one flightcrew member, or whose operation will require more than one flightcrew member, the cockpit must be evaluated to determine if the flightcrew members, when seated at their duty station, can converse without difficulty under the actual cockpit noise conditions when the airplane is being

operated. If the airplane design includes provision for the use of communication headsets, the evaluation must also consider conditions where headsets are being used. If the evaluation shows conditions under which it will be difficult to converse, an intercommunication system must be provided.

(d) If installed communication equipment includes transmitter ''off-on'' switching, that switching means must be designed to return from the ''transmit'' to the ''off'' position when it is released and ensure that the transmitter will return to the off (non transmitting) state.

(e) If provisions for the use of communication headsets are provided, it must be demonstrated that the flightcrew members will receive all aural warnings under the actual cockpit noise conditions when the airplane is being operated when any headset is being used.

40. Section 23.1435(c) is revised to read as follows:

§ 23.1435 Hydraulic systems.

* * * * *

(c) *Accumulators.* A hydraulic accumulator or reservoir may be installed on the engine side of any firewall if—

(1) It is an integral part of an engine or propeller system, or

(2) The reservoir is nonpressurized and the total capacity of all such nonpressurized reservoirs is one quart or less.

41. Section 23.1447 is amended by revising paragraphs (d) and (e) and by adding a new paragraph (a)(4) to read as follows:

§ 23.1447 Equipment standards for oxygen dispensing units.

* * * * *

(a) * * *

(4) If radio equipment is installed, the flightcrew oxygen dispensing units must be designed to allow the use of that equipment and to allow communication with any other required crew member while at their assigned duty station.

* * * * *

(d) For a pressurized airplane designed to operate at flight altitudes above 25,000 feet (MSL), the dispensing units must meet the following:

(1) The dispensing units for passengers must be connected to an oxygen supply terminal and be immediately available to each occupant wherever seated.

(2) The dispensing units for crewmembers must be automatically presented to each crewmember before the cabin pressure altitude exceeds 15,000 feet, or the units must be of the quick-donning type, connected to an oxygen supply terminal that is immediately available to crewmembers at their station.

(e) If certification for operation above 30,000 feet is requested, the dispensing units for passengers must be automatically presented to each occupant before the cabin pressure altitude exceeds 15,000 feet.

* * * * *

42. A new § 23.1451 is added to read as follows:

§ 23.1451 Fire protection for oxygen equipment.

Oxygen equipment and lines must:

(a) Not be installed in any designed fire zones.

(b) Be protected from heat that may be generated in, or escape from, any designated fire zone.

(c) Be installed so that escaping oxygen cannot come in contact with and cause ignition of grease, fluid, or vapor accumulations that are present in normal operation or that may result from the failure or malfunction of any other system.

43. A new § 23.1453 is added to read as follows:

§ 23.1453 Protection of oxygen equipment from rupture.

(a) Each element of the oxygen system must have sufficient strength to withstand the maximum pressure and temperature, in combination with any externally applied loads arising from consideration of limit structural loads, that may be acting on that part of the system.

(b) Oxygen pressure sources and the lines between the source and the shutoff means must be:

(1) Protected from unsafe temperatures; and

(2) Located where the probability and hazard of rupture in a crash landing are minimized.

44. Section 23.1461(a) is revised to read as follows:

§ 23.1461 Equipment containing high energy rotors.

(a) Equipment, such as Auxiliary Power Units (APU) and constant speed drive units, containing high energy rotors must meet paragraphs (b), (c), or (d) of this section.

* * * * *

45. Appendix F to part 23 is amended by revising the introductory paragraph, by amending paragraph (c) to change the reference from paragraph (e) to paragraph (g), by amending paragraph (d) to change the reference from paragraph (f) to paragraph (h), by redesignating current paragraph (f) as paragraph (h), and by revising paragraph (b) and adding new paragraphs (f) and (g) to read as follows:

Appendix F To Part 23 Test Procedure

Acceptable test procedure for self-extinguishing materials for showing compliance with §§ 23.853, 23.855 and 23.1359.

* * * * *

(b) *Specimen configuration.* Except as provided for materials used in electrical wire and cable insulation and in small parts, materials must be tested either as a section cut from a fabricated part as installed in the airplane or as a specimen simulating a cut section, such as: a specimen cut from a flat sheet of the material or a model of the fabricated part. The specimen may be cut from any location in a fabricated part; however, fabricated units, such as sandwich panels, may not be separated for a test. The specimen thickness must be no thicker than the minimum thickness to be qualified for use in the airplane, except that: (1) Thick foam parts, such as seat cushions, must be tested in ½ inch thickness; (2) when showing compliance with § 23.853(d)(3)(v) for materials used in small parts that must be tested, the materials must be tested in no more than ⅛ inch thickness; (3) when showing compliance with § 23.1359(c) for materials used in electrical wire and cable insulation, the wire and cable specimens must be the same size as used in the airplane. In the case of fabrics, both the warp and fill direction of the weave must be tested to determine the most critical flammability conditions. When performing the tests prescribed in paragraphs (d) and (e) of this appendix, the specimen must be mounted in a metal frame so that (1) in the vertical tests of paragraph (d) of this appendix, the two long edges and the upper edge are held securely; (2) in the horizontal test of paragraph (e) of this appendix, the two long edges and the edge away from the flame are held securely; (3) the exposed area of the specimen is at least 2 inches wide and 12 inches long, unless the actual size used in the airplane is smaller; and (4) the edge to which the burner flame is applied must not consist of the finished or protected edge of the specimen but must be representative of the actual cross section of the material or part installed in the airplane. When performing the test prescribed in paragraph (f) of this appendix, the specimen must be mounted in metal frame so that all four edges are held securely and the exposed area of the specimen is at least 8 inches by 8 inches.

* * * * *

(f) *Forty-five degree test.* A minimum of three specimens must be tested and the results averaged. The specimens must be supported at an angle of 45 degrees to a horizontal surface. The exposed surface when installed in the aircraft must be face down for the test. The specimens must be exposed to a Bunsen or Tirrill burner with a nominal ⅜ inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the

flame must be 1550°F. Suitable precautions must be taken to avoid drafts. The flame must be applied for 30 seconds with one-third contacting the material at the center of the specimen and then removed. Flame time, glow time, and whether the flame penetrates (passes through) the specimen must be recorded.

(g) *Sixty-degree test.* A minimum of three specimens of each wire specification (make and size) must be tested. The specimen of wire or cable (including insulation) must be placed at an angle of 60 degrees with the horizontal in the cabinet specified in paragraph (c) of this appendix, with the cabinet door open during the test or placed within a chamber approximately 2 feet high × 1 foot × 1 foot, open at the top and at one vertical side (front), that allows sufficient flow of air for complete combustion but is free from drafts. The specimen must be parallel to and approximately 6 inches from the front of the chamber. The lower end of the specimen must be held rigidly clamped. The upper end of the specimen must pass over a pulley or rod and must have an appropriate weight attached to it so that the specimen is held tautly throughout the flammability test. The test specimen span between lower clamp and upper pulley or rod must be 24 inches and must be marked 8 inches from the lower end to indicate the central point for flame application. A flame from a Bunsen or Tirrill burner must be applied for 30 seconds at the test mark. The burner must be mounted underneath the test mark on the specimen, perpendicular to the specimen and at an angle of 30 degrees to the vertical plane of the specimen. The burner must have a nominal bore of three-eighths inch, and must be adjusted to provide a three-inch-high flame with an inner cone approximately one-third of the flame height. The minimum temperature of the hottest portion of the flame, as measured with a calibrated thermocouple pyrometer, may not be less than 1,750 °F. The burner must be positioned so that the hottest portion of the flame is applied to the test mark on the wire. Flame time, burn length, and flaming time drippings, if any, must be recorded. The burn length determined in accordance with paragraph (h) of this appendix must be measured to the nearest one-tenth inch. Breaking of the wire specimen is not considered a failure.

* * * * *

PART 91—GENERAL OPERATING AND FLIGHT RULES

46. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 21, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g).

47. Section 91.205 is amended by redesignating paragraphs (b)(11) through (b)(16) as paragraphs (b)(12) through (b)(17), respectively, and by adding a new paragraph (b)(11) to read as follows:

§ 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

* * * * *

(b) * * *

(11) For small civil airplanes certificated after March 11, 1996, in accordance with part 23 of this chapter, an approved aviation red or aviation white anticollision light system. In the event of failure of any light of the anticollision light system, operation of the aircraft may continue to a location where repairs or replacement can be made.

* * * * *

48. Section 91.209 is revised to read as follows:

§ 91.209 Aircraft lights.

No person may:

(a) During the period from sunset to sunrise (or, in Alaska, during the period a prominent unlighted object cannot be seen from a distance of 3 statute miles or the sun is more than 6 degrees below the horizon)—

(1) Operate an aircraft unless it has lighted position lights;

(2) Park or move an aircraft in, or in dangerous proximity to, a night flight operations area of an airport unless the aircraft—

(i) Is clearly illuminated;

(ii) Has lighted position lights; or

(iii) is in an area that is marked by obstruction lights;

(3) Anchor an aircraft unless the aircraft—

(i) Has lighted anchor lights; or

(ii) Is in an area where anchor lights are not required on vessels; or

(b) Operate an aircraft that is equipped with an anticollision light system, unless it has lighted anticollision lights. However, the anticollision lights need not be lighted when the pilot-in-command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

Issued in Washington DC, on January 29, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–2083 Filed 2–8–96; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Parts 1 and 23

[Docket No. 27807; Amendment Nos. 1–43, 23–50]

RIN 2120–AE61

Airworthiness Standards; Flight Rules Based on European Joint Aviation Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes. This amendment completes a portion of the Federal Aviation Administration (FAA) and the European Joint Aviation Authorities (JAA) effort to harmonize the Federal Aviation Regulations and the Joint Aviation Requirements (JAR) for airplanes certification in these categories. This amendment will provide nearly uniform flight airworthiness standards for airplanes certificated in the United States under 14 CFR part 23 and in the JAA countries under Joint Aviation Requirement 23, simplifying international airworthiness approval.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Lowell Foster, ACE–111, Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Background

This amendment is based on Notice of Proposed Rulemaking (NPRM) No. 94–22 (59 FR 37878, July 25, 1994). All comments received in response to Notice 94–22 have been considered in adopting this amendment.

This amendment completes part of an effort to harmonize the requirements of part 23 and JAR 23. The revisions to part 23 in this amendment pertain to flight airworthiness standards. Three other final rules are being issued in this Federal Register that pertain to airworthiness standards for systems and equipment powerplant, and airframe. These related rulemakings are also part of the harmonization effort. Interested persons should receive all four final rules to ensure that all revisions to part 23 are recognized.

The harmonization effort was initiated at a meeting in June 1990 of the JAA Council (consisting of JAA members from European countries) and

the FAA, during which the FAA Administrator committed the FAA to support the harmonization of the United States regulations with the JAR that were being developed. In response to the commitment, the FAA Small Airplane Directorate established an FAA Harmonization Task Force to work with the JAR 23 Study Group to harmonize part 23 with the proposed JAR 23. The General Aviation Manufacturers Association (GAMA) also established a JAR 23/part 23 committee to provide technical assistance.

The FAA, JAA, GAMA, and the Association Europeanne des Constructeurs de Material Aerospatial (AECMA), an organization of European airframe manufacturers, met on several occasions in a continuing harmonization effort.

Near the end of the effort to harmonize the normal, utility, and aerobatic category airplane airworthiness standards, the JAA requested and received recommendations from its member countries on proposed airworthiness standards for commuter category airplanes. Subsequent JAA and FAA meetings on this issue resulted in proposals that were reflected in Notice No. 94–22 to revise portions of the part 23 commuter category airworthiness standards. Accordingly, this final rule adopts the flight airworthiness standards for all part 23 airplanes.

In January 1991, the FAA established the Aviation Rulemaking Advisory Committee (ARAC) (56 FR 2190, January 22, 1991). At an FAA/JAA Harmonization Conference in Canada in June 1992, the FAA announced that it would consolidate the harmonization effort within the ARAC structure. The FAA assigned to ARAC the rulemakings related to JAR/part 23 harmonization, which ARAC assigned to the JAR/FAR 23 Harmonization Working Group. The proposal for flight airworthiness standards contained in Notice No. 94–22 were a result of both the working group's efforts and the efforts at harmonization that occurred before the formation of the working group.

The JAA submitted comments to the FAA on January 20, 1994, in response to the four draft proposals for harmonization of the part 23 airworthiness standards. The JAA submitted comments again during the comment period of the NPRM. At the April 26, 1995, ARAC JAR/FAR 23 Harmonization Working Group meeting, the JAA noted that many of the comments in the January 20 letter had been satisfied or were no longer relevant. The few remaining items concern issues that are considered beyond the scope of this rulemaking and, therefore, will be dealt with at future FAA/JAA Harmonization meetings.

Discussion of Comments

General

Interested persons were invited to participate in the development of these final rules by submitting written data, views, or arguments to the regulatory docket on or before November 21, 1994. Four commenters responded to Notice No. 94–22. Minor technical and editorial changes have been made to the proposed rules based on relevant comments received, consultation with ARAC, and further review by the FAA.

Discussion of Amendments

Section 1.1 General Definitions

The FAA proposed to amend § 1.1 to add a definition of ''maximum speed for stability characteristics, V_{FC}/M_{FC}.'' This change harmonizes part 1 and JAR 1. The definition is deleted from § 23.175(b)(2).

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.3 Airplane Categories

The FAA proposed to revise § 23.3(b)(2) to add an outside limit of 90 degrees in angle of bank for lazy eights, chandelles, and seep turns.

The FAA proposed to revise § 23.3(d) to remove chandelles and lazy eights as approved operations in commuter category airplanes. The FAA does not anticipate any operational need for such maneuvers.

The FAA proposed to revise § 23.3(e) to prohibit type certification of commuter category airplanes in any other category. This rule change will not preclude the type certification of similar airplanes with different model numbers, such as the present Cessna models 500 and 501.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.25 Weight Limits

The FAA proposed to revise § 23.25(a) to clarify that the maximum weight that must be selected is the least of the three choices given in § 23.25(a)(1). The FAA proposed to remove the commuter category zero fuel weight requirement from current § 23.25(a). The requirement was proposed to be removed to § 23.343 by the airframe NPRM, Notice No. 94–20 (59 FR 35198, July 8, 1994). The FAA proposed to remove the reference to standby power rocket engines in § 23.25(a)(1)(iii) and to remove appendix E because this is a rare and obsolete design feature. If a manufacturer proposed to use this approach, the FAA would issue special conditions to ensure adequate airworthiness.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.33 Propeller Speed and Pitch Limits

The FAA proposed to revise § 23.33(b)(1) to remove the reference to V_Y and to replace it with ''the all engine(s) operating climb speed specified in § 23.65,'' to be consistent with other changes in performance requirements. The FAA proposed to revise § 23.33(b)(2) to use ''V_{NE}'' in place of ''never exceed speed,'' since V_{NE} is defined in part 1, and to remove the word ''placarded,'' which is unnecessary.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.45 General

In Notice of Proposed Rulemaking, Small Airplane Airworthiness Review Program Notice No. 4, Notice No. 90–18 (55 FR 26534, June 28, 1990), the FAA requested comments on the need for weight, altitude, and temperature (WAT) criteria, as information or as a limitation on piston-powered, twin-engine part 23 airplanes. The FAA also requested comments about WAT criteria on turbine-powered twin-engine part 23 airplanes, specifically during takeoff and landing.

WAT criteria is used to determine the maximum weight an airplane can have in relation to altitude and temperature for safe takeoff. This criteria provides pilots with the information needed to determine if a takeoff and climb can be successfully completed if one engine becomes inoperative. WAT criteria has been required under part 23 for commuter category airplanes, at all approved altitudes. A limited WAT criteria has been required for turbine engine powered airplanes at 5,000 feet and at standard temperature plus 40°F, but not for higher altitudes or temperatures. For multiengine powered airplanes, WAT data has been provided by the manufacturer as information to pilots.

The FAA received three comments on mandating WAT criteria in part 23 and addressed these comments in detail in the preamble to Notice 94–22.

Based on statistics and conclusions from an FAA 1991 study (discussed in detail in Notice 94–22) and on comments, the FAA determined that

WAT limits are necessary for safe operation of multiengine airplanes of the type that will be involved in transporting passengers for hire.

The FAA proposed a complete revision of § 23.45 to require weight, altitude, and temperature (WAT) performance accountability for normal, utility, and acrobatic airplanes with a maximum takeoff weight over 6,000 pounds and all turbine-powered airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.49 Stalling Speed

The FAA proposed to revise § 23.49 by reorganizing and editing it for clarification. The FAA's proposed clarification merges, in paragraph (a), the V_{SO} and V_{S1} requirements, which were separated with parallel configuration items under paragraphs (a) and (d).

Other proposed changes to paragraph (a) are as follows:

(1) Proposed paragraph (a)(4) is a requirement that the airplane be in the condition existing in the test, in which V_{SO} and V_{S1} are being used.

(2) Proposed paragraph (a)(5) is a revised version of current paragraph (a)(6). The current requirement states that the center of gravity must be in the most unfavorable position within the allowable landing range. The proposed requirement would state that the center of gravity must be in the position that results in the highest value of V_{SO} and V_{S1}.

(3) Current paragraph (a)(5) is moved to § 23.45(c).

These changes are clarifying and are not an increase in requirements. The only comment received was from JAA, noting the existing disharmony between the JAR and the FAR concerning a V_{SO} more than 61 knots for single-engine airplanes and multiengine airplanes of 6,000 pounds maximum weight or less than do not meet the required minimum rate of climb.

The proposal is adopted as proposed.

Section 23.51 Takeoff Speeds

The FAA proposed to change the paragraph heading from ''Takeoff'' to ''Takeoff speeds'' and to incorporate the takeoff speed requirements currently contained in § 23.53. This revision to the heading and the reorganization of takeoff requirements is proposed for harmony with JAR 23.

The FAA proposed to move current § 23.51(a) to § 23.53(a). Current paragraph (a) requires that the distance required to take off and climb over a 50-foot obstacle must be determined with the engines operating within approved operating limitations and with cowl flaps in the normal takeoff position. These requirements for power and cowl flaps are now covered in final § 23.45, paragraphs (c) and (d), and in § 23.1587.

The FAA proposed to remove current § 23.51(b) on measuring seaplane and amphibian takeoff distances. It is a statement of an acceptable method of compliance, and there is no need to address a separate seaplane starting point.

The FAA proposed to remove current § 23.51(c) concerning pilot skills and conditions. It is covered under the general requirements in proposed § 23.45(f).

The FAA proposed to remove current § 23.51(d). The requirements are covered under § 23.45 in commuter category performance and other performance requirements, and the information requirements are covered under § 23.1587.

For multiengine normal, utility, and acrobatic category airplanes, the FAA proposed to transfer the determination of V_R from § 23.53(a) to § 23.51(a) with minor changes in the specified rotation speed. For multiengine airplanes in proposed paragraph (a)(1), the margin between rotation speed and V_{MC} or a margin of 1.10 V_{S1} is established between V_R and stall.

The FAA proposed to define V_R, in proposed paragraph (a), as the speed at which the pilot makes a control input with the intention of lifting the airplane out of contact with the runway or water surface. This definition would apply to tail wheel and tricycle gear airplanes, seaplanes, and single-engine airplanes.

The FAA also proposed to include rotation speeds for single-engine airplanes, seaplanes, and amphibians in paragraph (a). This extends V_R applicability to all part 23 airplanes to establish a safe and standardized procedure that can be used by pilots to achieve AFM takeoff performance. This use of rotation speed is consistent with part 25.

In proposed paragraph (b), the speed at 50 feet is based on current § 23.53(b) with no change in requirements.

For commuter category airplanes, the FAA proposed to move the takeoff speed requirements from § 23.53(c) to proposed § 23.51(c) with editorial changes. The option is added, in proposed (c)(1)(i), for an applicant to determine a V_{MCG} and to establish a V_1 based on V_{MCG} rather than a margin above V_{MCA}.

The only comment on this section was a non-substantive one, in which FAA concurred.

The proposal is adopted as proposed.

Section 23.53 Takeoff Performance

The FAA proposed a new heading for § 23.53 and a content based primarily on the general takeoff performance requirement of the current § 23.51.

The FAA proposed to remove the takeoff speed requirements from current § 23.53 and to place them in § 23.51. (See discussion for § 23.51.) Section 23.53 provides general takeoff performance requirements for normal, utility, acrobatic, and commuter category airplanes. Proposed paragraph (a) is based on current § 23.51(a). Proposed paragraph (b) is a modification of current § 23.1587(a)(5). Proposed paragraph (c) is based on current § 23.51(d).

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.55 Accelerate-Stop Distance

The FAA proposed to revise § 23.55 to clarify the accelerate-stop segments and to make editorial changes.

The proposed requirement divides the accelerate-stop maneuver into three segments, rest to V_{EF} (paragraph (a)(1)), V_{EF} to V_1 (paragraph (a)(2)), and V_1 to rest (paragraph (a)(3)). The FAA proposed to remove the following four phrases: First, remove the phrase ''in the case of engine failure,'' from current § 23.55(a)(2) because it is included in paragraph (a)(2). Second, remove the phrase ''assuming that * * * the pilot has decided to stop as indicated by application of the first retarding means at the speed V_1,'' from § 23.55(a)(2) because it is stated in § 23.51(c)(1)(ii). Third, remove the phrase ''exceptional skill'' from § 23.55(b)(3) because it remains in § 23.45(h)(5)(i). Fourth, remove the phrase ''if that means is available with the critical engine inoperative'' from § 23.55(b) because it is covered by the safe and reliable requirements of § 23.55(b)(1).

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.57 Takeoff Path

The FAA proposed to revise § 23.57 to clarify and to specify the takeoff path segments that must be determined in flight. Proposed paragraph (a) clarifies that the transition to the enroute configuration should be completed on or before reaching 1500 feet above the takeoff surface. Section 23.57(c)(1) requires the slope of the airborne part of the takeoff path to be ''positive at each point''; proposed paragraph (c)(1) is revised to ''not negative at any point,'' to allow acceleration in level flight,

which is implied by current § 23.61(c). Proposed § 23.57(c)(3) specifies that the climb gradient ''must not be less than * * *,'' as opposed to ''may not be less than * * *.'' The option, in current § 23.57(d), to determine the takeoff path either by continuous demonstration or by synthesis from segments, does not reflect current practice. The best method to determine the takeoff path from rest to 35 feet above the takeoff surface is by a continuous demonstration. The most practical method to determine the takeoff path from 35 feet to 1500 feet above the takeoff surface is by synthesis from segments. Accordingly, § 23.57, paragraphs (d) and (e), incorporates these changes.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.59 Takeoff Distance and Takeoff Run

The FAA proposed to clarify § 23.59 with no substantial change in requirements. A change to the opening text is proposed to clarify that the determination of takeoff run is the applicant's option since the applicant may choose not to present clearway data. In current § 23.59 (a)(2) and (b)(2), the reference to ''along the takeoff path,'' in a takeoff with all engines operating, is proposed to be removed since takeoff path is a one-engine-inoperative condition. Additionally, the FAA proposed to replace the reference to V_{LOF} with the words ''liftoff point'' to clarify that the requirements specify a point and related distance, not a speed.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.63 Climbs: General

The FAA proposed a new § 23.63 to assemble general climb requirements from current §§ 23.65 and 23.67 into a single section and to differentiate between WAT limited airplanes and those airplanes that are not WAT limited. (See discussion under § 23.45.) As proposed, new § 23.63(a)(1) requires that compliance be shown out of ground effect. This requirement is in current § 23.67(e), which applies to commuter category airplanes. New § 23.63(a)(3) requires that compliance must be shown, unless otherwise specified, with one engine inoperative, at a bank angle not exceeding 5 degrees. This requirement is in current § 23.149 and has been applied generally to part 23 airplanes except commuter category airplanes in certain circumstances.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.65 Climb: All Engines Operating

The FAA proposed to change the applicability of § 23.65(a) from ''each airplane,'' as adopted in Amendment No. 23–45 (58 FR 42136, August 6, 1993), to ''each normal, utility, and acrobatic category reciprocating engine-powered airplane of 6,000 pounds or less maximum weight.'' The FAA also proposed to change the phrase ''angle of climb'' to ''climb gradient'' and to establish the climb gradient at 8.3 percent for landplanes and 6.7 percent for seaplanes and amphibians with certain specified performance conditions.

In paragraph (a)(4), the FAA proposed to establish a minimum climb speed for multiengine airplanes of not less than the greater of 1.1 V_{MC} and 1.2 V_{S1}, which provides a margin above V_{MC}.

The FAA proposed to move cowl flap requirements, in current paragraph (a)(5), to proposed § 23.45(c).

The FAA proposed to remove § 23.65(b) since these requirements should have been removed in Amendment No. 23–45 (58 FR 42136, August 6, 1993). Since the adoption of Amendment No. 23–45, there is no longer a rate of climb requirement in § 23.65(a).

The FAA proposed to add WAT limits to § 23.65(b), for reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and turbine engine-powered airplanes. (See § 23.45 discussion.)

The FAA proposed to move § 23.65(c) to § 23.65(b) and to remove the temperature and altitude requirements since WAT limits are required for turbine engine-powered airplanes and the four percent gradient applies at any approved takeoff ambient condition. In § 23.65(b)(2), the FAA proposed to require the landing gear be down for the test unless the gear can be retracted in not more than seven seconds. This is more stringent than the present requirement, but the same as the proposed one-engine-inoperative takeoff climb requirements, and is considered appropriate to this weight and class of airplane with WAT limits.

The FAA proposed to remove § 23.65(d) since the requirements are covered in amended § 23.45(h)(2) and in current § 23.21.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.66 Takeoff Climb; One-Engine Inoperative

The FAA proposed a new § 23.66 to require the determination of the one-engine-inoperative climb capability of all WAT limited reciprocating engine-powered and turbine engine-powered airplanes immediately after takeoff. Since most reciprocating engine-powered airplanes do not have autofeather, the condition immediately after takeoff can be critical. There is not a minimum climb requirement in this configuration, only the determination of the climb or decent gradient. This information is provided to the pilot in the AFM (see § 23.1587) to allow the pilot to make informed judgments before takeoff.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.67 Climb: One Engine Inoperative

The FAA proposed to reorganize § 23.67 for harmonization with the JAR; to require WAT limits for some airplanes; to require wings level climb up to 400 feet for commuter category airplanes; and to make minor changes in airplane configuration requirements.

Revised § 23.67(a) specifies the climb requirements for non-WAT airplanes with no change in requirements for those airplanes.

Revised § 23.67(b) specifies climb requirements for WAT airplanes. WAT criteria are applied for both reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and turbine engine-powered airplanes. (See the discussion under § 23.45.) Turbine engine-powered airplanes have been subject to limited WAT limitations under § 23.67(c), which the FAA proposed to incorporate into § 23.67(b).

The FAA proposed to change the takeoff flap position for normal, utility, and acrobatic category reciprocating engine-powered airplanes of 6,000 pounds or less to ''wing flaps retracted'' from ''most favorable position'' (§ 23.67(a)(4)). Wing flaps retracted is the position most used in certification and in service for this size of airplane (see new § 23.67 (a)(1)(iv) and (a)(2)(iv)).

The FAA proposed to remove § 23.67(d) since all climb speeds (both all-engine and one engine inoperative) are scheduled and the determination of V_Y is no longer required.

The FAA proposed to redesignate § 23.67(e) for commuter category airplanes as § 23.67(c) with no change in requirements except that the takeoff climb with landing gear extended must be conducted with the landing gear doors open. This is a conservative approach offered by the JAA to specify a definite gear door configuration and to remove the requirement to determine

performance during the transient condition of gear doors opening and closing. The FAA proposed to specify, in § 23.67(c)(1), that the first segment climb must be conducted with the wings level and to further specify that the climb speed for the segment must be V_2 instead of the requirement for a range of speeds from V_{LOF} and whatever the applicant selects at gear retraction. Also, the FAA proposed, in § 23.67(c)(2), to require conducting the second segment climb with wings level, which is appropriate for operational scenarios.

The FAA proposed to revise § 23.67 by removing paragraph (e)(1) and by moving the requirements to § 23.67(c) and § 23.63 (a)(1) and (d).

In proposed § 23.67(c)(3), enroute climb, the FAA added a minimum climb speed to ensure an adequate margin above stall speed.

The FAA proposed to redesignate § 23.67(e)(3) as § 23.67(c)(4) and to remove the paragraph heading ''Approach'' and add ''Discontinued approach'' in its place. The FAA proposed to clarify, in new § 23.67(c)(4), that the climb gradients must be met at an altitude of 400 feet above the landing surface.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.69 Enroute Climb/Descent

The FAA proposed a new § 23.69 to require the determination of all engine and one-engine-inoperative climb/descent rates and gradients in the enroute configuration under all operational WAT conditions. This information is necessary for enroute flight planning and dispatch. Climb speeds are specified to provide a margin above V_{S1}.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.71 Glide: Single-Engine Airplanes

The FAA proposed a new § 23.71 to require the determination of glide distance and speed for single-engine airplanes. The information is necessary for flight planning and to provide the pilot with information from which to make informed decisions.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.73 Reference Landing Approach Speed

The FAA proposed a new § 23.73 to define the reference landing approach speeds, V_{REF}. Establishing a definition for these speeds simplifies the use of V_{REF} in other portions of the rule. The V_{REF} speeds for the various category airplanes are established as not less than 1.3 V_{S0}. Also, the established speeds consider the appropriate relationship to V_{MC} determined under § 23.149.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.75 Landing Distance

The FAA proposed to revise the heading, reorganize § 23.75 for harmonization with the JAR, add the landing reference speed, V_{REF}, and move the portion on brake pressure to § 23.735, Brakes.

The FAA proposed to remove the reference to the AFM from the introductory paragraph. Part 23, subpart B, is generally used to specify flight test requirements, and part 23, subpart G, is generally used to specify the AFM requirements. The FAA also proposed to revise the introductory paragraph to require landing distances to be determined at standard temperature for each weight and altitude. Service experience has shown that landing distances are not sensitive to temperatures. The use of standard temperature is consistent with WAT requirements. The FAA proposed to remove from the introductory paragraph the reference to ''approximately 3 knots'' for seaplanes and amphibians because this information is considered advisory material on acceptable methods of compliance.

The FAA proposed to revise § 23.75(a) to add V_{REF} and to require its use. (See § 23.73.)

The FAA proposed to remove § 23.75(b) because § 23.45 specifies these general requirements. New § 23.75(b) clarifies that a constant configuration must be maintained throughout the maneuver.

The FAA proposed to revise § 23.75(d) by adding the requirement to specify the weight that must be considered for the transition to the balked landing conditions. This requirement reflects current industry practice.

The FAA proposed new § 23.75(e) as a general requirement to ensure the reliability of the brakes and tires.

The FAA proposed to revise § 23.75(f) to remove the first use of the word ''means'' and to add the phrase ''retardation means'' in its place, and to remove paragraph (f)(3). Paragraph (f)(3) required that no more than average skill shall be required to control the airplane. This topic is covered in § 23.45(f).

The FAA proposed to remove § 23.75(h) because the introductory paragraph of § 23.75 contains commuter category requirements and § 23.1587 requires landing distance correction factors.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.77 Balked Landing

The FAA proposed to revise this section to include additional WAT requirements and to make editorial changes.

The proposed revisions to § 23.77 (a) and (b) differentiate between WAT and non-WAT. (See § 23.45.) Section 23.77(a)(4) adds a new climb speed requirement to ensure that acceleration is not necessary during the transition from landing to balked landing. The climb gradient of § 23.77(b) was selected to be slightly less than the non-WAT airplane sea level requirement in exchange for a balked landing climb capability at all altitudes and temperatures.

The commuter category climb gradient of 3.3 percent specified in § 23.77(c) changes to 3.2 percent for consistency with part 25. Additional editorial changes and deletions are made in § 23.77(c) because the general requirements are covered in final § 23.45.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.143 General

The FAA proposed to revise § 23.143(a) to add the phrase ''during all flight phases'' to the introductory paragraph and to add ''Go-around'' to the list of flight phases.

The JAA and FAA decided, during FAA/JAA Harmonization meetings, that the term ''go-around'' included the all engine balked landings of § 23.77, various all engine and one-engine-inoperative aborted landings specified in the AFM, and the commuter category discontinued approach of § 23.67(c)(4). Balked landing refers only to the all engine balked landing of § 23.77.

The FAA proposed to revise the two-hand roll force in the table of paragraph (c) from 60 to 50 pounds, to be consistent with JAR 25. The FAA also proposed to revise the table to show a one-hand on the rim roll force of 25 pounds. This is an FAA/JAA harmonized value.

Comment: Raytheon Aircraft Company comments that the control force limits table is specifically tied to the flight phases of paragraph (a) and that this ''could be interpreted as providing an upper limit of maneuvering force (stick force per g) such that all normal operational

maneuvers would have to be performed within a pitch force limit of 75 lbs (wheel, two hands), for unspecified normal acceleration limits.''

Raytheon states that this has not been previous policy and could become a costly requirement for larger part 23 aircraft with large cg ranges, ''if substantial normal acceleration excursions are considered 'normal' maneuvering.'' Raytheon recommends ''that either the normal acceleration excursions be defined for normal, utility, acrobatic, and commuter categories or the explicit tie to the flight phases in this rule be deleted.''

FAA Response: Raytheon's concern is whether ''normal acceleration excursions are considered 'normal' maneuvering.'' They are not.

Section 23.143 has historically been titled ''General'' and has always been considered broad enough to cover controllability and maneuverability in general. The inclusion of ''all flight phases'' is considered clarifying, and Raytheon's concern that the concept of normal being expanded is unwarranted. Adopting this proposal would not change current certification practice.

The proposals are adopted as proposed.

Section 23.145 Longitudinal Control

The FAA proposed to revise § 23.145 to change the speed ranges applicable to the takeoff, enroute, and landing configurations.

Editorial changes were also proposed for the introductory text of paragraph (b) with no substantive change.

The FAA proposed in paragraph (b)(2) to change the requirement from ''attaining and maintaining, as a minimum, the speed used to show compliance with § 23.77'' to ''allow the airspeed to transition from 1.3 V_{S0} to 1.3 V_{S1}.''

The FAA also proposed to redesignate paragraphs (b)(2) (i) and (ii) as (b)(2) and (b)(3), respectively, and in paragraph (b)(3) to add more specific requirements if gated flap positions are used.

The FAA proposed to change the speed reference from 1.4 V_{S0} to V_{REF} for landing configuration in paragraph (b)(5). The FAA also proposed in paragraph (b)(5) to allow a two-handed control force since use of two hands is considered appropriate for a power off condition because the pilot does not need to change power settings.

Proposed paragraph (b)(6) is the same as former paragraph (b)(3).

In paragraph (c), the FAA proposed to change the speed range for maneuvering capability from ''above V_{MO}/M_{MO} and up to V_D/M_D'' to ''above V_{MO}/M_{MO} and up to the maximum speed shown under § 23.251.'' This change is considered necessary because a range of speeds can be chosen as V_D/M_D, and reference to § 23.251 ensures a flight demonstrated speed instead of a design speed.

The FAA proposed in paragraph (d) to change the speed that must be maintained for power-off glide from 1.3 V_{S0} to V_{REF}.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.147 Directional and Lateral Control

The FAA proposed to make minor revisions to § 23.147(a) and to add two new requirements in proposed paragraphs (b) and (c). The flaps retracted configuration for § 23.147(a)(4) are consistent with proposed § 23.67.

In proposed § 23.147(b), the FAA proposed to add requirements for multiengine airplanes that, during an enroute climb, when an engine fails the airplane maintains a minimum standard of controllability after allowing for a pilot action delay of two seconds. This proposed change tests for a likely operational scenario and is intended to ensure satisfactory controllability.

In § 23.147(c), the FAA proposed to test for the failure or disconnection of the primary lateral control. This paragraph requires that the airplane exhibit adequate dihedral effect throughout the airplane's operational envelope to ensure continued safe flight and landings if a lateral control disconnects. In addition, this requirement complements the relaxed requirements of proposed § 23.177(b) (see proposal for § 23.177).

Comment: Raytheon comments that there is no basis provided for the new rules proposed in § 23.147 (b) and (c). Raytheon states that the ''two second delay and the 45 degree bank appear to be arbitrary choices'' and that there ''is no comparable FAR requirement.''

FAA Response: The values of 2 seconds and 45 degrees in proposed paragraph (b) were determined from § 23.367, ''Unsymmetrical loads due to engine failure,'' which contains a 2 second delay for pilot corrective action. Historically, the 2 second delay and the 45 degree bank angle correlate to a similar requirement used for years by the United Kingdom CAA.

Proposed paragraph (c), failure of the lateral control, is part of a reduction in the overall lateral stability requirements. In Amendment 23–45, the FAA reduced the power requirements for § 23.177(a) in the landing configuration from 75 percent maximum continuous power to the power required to maintain a three degree angle of descent. The § 23.177 requirement essentially demonstrated that the airplane had the wing dihedral effect and rudder control power to raise a low (banked) wing using rudder only. Prior to this amendment, many manufacturers had to install an aileron/rudder interconnect to meet this requirement because of the high power setting. An aileron/rudder interconnect is a mechanism that ties the two controls together such that when one control surface deflects, the other will also deflect. In the case of § 23.177, the pilot uses the rudder, which also deflects the aileron and raises the wing to level. The underlying intent of this rule is to demonstrate that the airplane is controllable after an aileron control failure, similar to the elevator control failure demonstration currently in the requirements. This change, in conjunction with Amendment 23–45, will allow manufacturers to eliminate the need for the aileron/rudder interconnect.

The proposals are adopted as proposed.

Section 23.149 Minimum Control Speed

The FAA proposed to clarify § 23.149, to add a V_{MC} in the landing configuration, and to provide the procedure for determining a ground V_{MC}.

The FAA proposed to clarify § 23.149(a), with no requirement change. The FAA also proposed to clarify § 23.149(b) and to remove the reference to lesser weights in paragraph (b)(4) because the range of weights is covered in § 23.21.

The FAA proposed to revise § 23.149(c) to specify the requirements for a V_{MC} in the landing configuration for all WAT airplanes. This requirement is necessary for WAT airplanes to provide a V_{REF} margin above the V_{MC} determined in the landing configuration. (See proposal for § 23.73.)

The FAA proposed a new § 23.149(f) to contain requirements to determine a V_{MCG} for commuter category airplanes that could, at the option of the applicant, be used to comply with § 23.51. (See § 23.51.)

The only comment came from the JAA, which addressed a known disharmony, V_{SSE}, from a previous rule change.

The proposals are adopted as proposed.

Section 23.153 Control During Landings

The FAA proposed to revise § 23.153 to reference landing speeds to V_{REF} and to reorganize the section.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.155 Elevator Control Forces in Maneuvers

The FAA proposed to revise § 23.155 to make changes to the power requirements and gradient of the stick force curve.

The FAA proposed to revise § 23.155(b) to specify the maximum continuous power for the test required by this section instead of allowing a power selected by the applicant as an operating limitation. This revision eliminates an unnecessary power specification and simplifies normal operations for the pilot.

The FAA proposed to revise § 23.155(c) to address stick force gradient to ensure that stick force lightening is not excessive. As stated in the preamble to Notice 94–22, the FAA will issue advisory material on acceptable methods of compliance.

Comment: Raytheon states that proposed paragraph (c) adds a new requirement that there must not be an ''excessive decrease'' in the gradient of the stick force per g with increasing load factor. Raytheon's concern is that this is a very loosely defined requirement and that the allowable decrease in maneuvering stability may be a function of aircraft size and mission.

FAA Response: The FAA agrees that every airplane is different and that, therefore, each must be considered separately. The FAA does not agree that paragraph (c) is loosely defined. For many of the flight requirements, including ''excessive decrease,'' the FAA must evaluate the individual airplanes to determine if the handling qualities are safe.

This proposal are adopted as proposed.

Section 23.157 Rate of Roll

The FAA proposed to revise § 23.157(d) power and trim requirements and to clarify the flap position. In § 23.157(d)(1), the FAA proposed to clarify that the flaps should be in the landing position and § 23.157(d)(3) makes the power consistent with the approach configuration, which is the configuration being tested. The FAA proposed in § 23.157(d)(4) to relate the trim speed to V_{REF}. (See amendment for § 23.73.)

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.161 Trim

The FAA proposed to revise § 23.161 power, configurations, and speeds.

The FAA proposed to revise § 23.161(a) to state the safety principles underlying the trim requirements and to provide a regulatory requirement for considering conditions that might be encountered outside the requirements addressed in paragraphs (b) through (d).

The FAA proposed to revise § 23.161(b)(1) to add a requirement to trim at M_{MO} in addition to V_{MO} to clarify that the airplane must trim in the Mach limited speed range.

The FAA proposed to revise § 23.161(b)(2) to require lateral and directional trim over a range of 1.4 V_{S1} to V_H or V_{MO}/M_{MO} for commuter category airplanes instead of only the high speed requirement in the present rules.

The FAA proposed, in the introductory paragraph of § 23.161(c), to remove the reference to V_{MO}/M_{MO} because it is covered in the applicable individual sections. In § 23.161(c)(1), the FAA proposed to require trim at takeoff power, as this is a likely operational scenario for most airplanes and the condition should be tested. In addition, the change relates the maximum continuous power climb speeds and configuration to § 23.69, the enroute climb requirement. The FAA proposed to redesignate § 23.161(c)(2) as § 23.161(c)(4), to change the reference V_{REF} for a landing speed, and to add a requirement for the airplane to trim at the steepest landing approach gradient the applicant chooses under § 23.75. The FAA proposed to redesignate § 23.161(c)(3) as § 23.161(c)(2) with editorial changes and to redesignate § 23.161(c)(4) as § 23.161(c)(3) with an increase in the trim speed from 0.9 V_{NO} or V_{MO} to V_{NO} or V_{MO}/M_{MO}. The increase in trim speed is appropriate because descent is permitted and is common at V_{MO}.

In § 23.161(d), the FAA proposed to make editorial changes in the introductory paragraph, to reference the appropriate § 23.67 requirements, and to remove commuter category speed ranges, which are moved to the new § 23.161(e). The FAA proposed to revise § 23.161(d)(4) to specify flaps retracted instead of referencing the § 23.67 configurations. Flaps retracted is the likely sustained configuration where a pilot would need to trim. Also, the flaps retracted configuration for § 23.161(d)(4) is consistent with § 23.67.

The FAA proposed a new § 23.161(e) to ensure that excessive forces are not encountered in commuter category airplanes during extended climbs at V_2 in the takeoff configuration, when climb above 400 feet is required.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.175 Demonstration of Static Longitudinal Stability

The FAA proposed to revise § 23.175(a)(1) to change the flap position from the climb position to the flaps retracted position. This is a clarifying change since virtually all part 23 airplanes use the flaps retracted position for climb. Also, this change aligns the part 23 and part 25 climb static longitudinal stability requirements.

The FAA proposed, in § 23.175(a)(3), to remove the option for the applicant to select some power other than maximum continuous power as an operating limitation. As noted in the discussion of § 23.155, this eliminates a power specification that is unnecessary and simplifies normal operations for the pilot. In § 23.175(a)(4), the FAA proposed to make the trim speed consistent with the enroute all-engine climb speed.

The FAA proposed in § 23.175(b) to rearrange the paragraph with no change in requirements. The definition of V_{FC}/M_{MC} contained in § 23.175(b)(2) is moved to part 1, to harmonize with JAR 1. (See the change to § 1.1.)

The FAA proposed to remove § 23.175(c). The test for gear down cruise static longitudinal stability required under paragraph (c) is considered superfluous to the landing configuration static longitudinal stability test and does not represent a likely operating scenario.

The FAA proposed to redesignate § 23.175(d) as § 23.175(c) with a change to V_{REF} as the trim speed.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.177 Static Directional and Lateral Stability

The FAA proposed to revise § 23.177 to remove the requirements for two-control airplanes, to make minor clarifying changes, and to specify an exclusion for acrobatic category airplanes.

The FAA proposed in § 23.177 to remove the introductory phrase concerning three-control airplanes, which is consistent with the removal of the requirements for two-control airplanes in paragraph (b). The two-control airplane regulations were introduced in 1945 but no two-control airplanes have been certificated for several decades and no need is foreseen for these regulations. If an applicant

proposes a two-control airplane, the FAA would issue special conditions.

The FAA proposed that, after removing the introductory portion of § 23.177(a), paragraph (a)(1) would be redesignated as (a). In the first sentence, ''skid'' is replaced with ''wings level sideslip'' to clarify the intended maneuver. Also, this change increases the power requirement for demonstration of directional stability in the landing configuration. The requirement specifies power necessary to maintain a three degree angle of descent. Maximum continuous power is considered appropriate since directional stability should be maintained during a balked landing, particularly since directional instability is an undesirable characteristic at any point in the flight envelope. Also, the FAA proposed to replace V_A with V_O to be consistent with § 23.1507.

The FAA proposed, in § 23.177(b), to replace ''any'' with ''all'' in the first sentence to clarify that all landing gear and flap positions must be addressed. Also, the FAA proposed that the paragraph specify a minimum speed at which static lateral stability may not be negative, as 1.3 V_S, for all configurations except takeoff. This is consistent with the other speeds specified in § 23.177(b) and relieves the requirement for other than takeoff speeds.

The FAA proposed new § 23.177(c) to provide an exclusion for the dihedral effect for acrobatic category airplanes approved for inverted flight. This change recognizes that, in full acrobatic airplanes, the dihedral effect is not a desired characteristic

The addition of § 23.147(c), which ensures lateral control capability without the use of the primary lateral control system, compensates for the relieving nature of proposed § 23.177(b) and the exception from the requirements of § 23.177(b) for acrobatic category airplanes.

The FAA proposes to redesignate § 23.177(a)(3) as § 23.177(d) and to remove the next to the last sentence of § 23.177(d), concerning bank angle and heading. The requirement is not a necessary test condition and a constant heading during the sideslip may be impossible in some airplanes.

Comment: Raytheon commented on the requirements for stability in steady heading slips, which were changed in a previous amendment (Amendment 23–21; 43 FR 2318; January 16, 1978), and recommended clarifying language.

FAA Response: As Raytheon noted, the rule language they believe needs clarification was not addressed in Notice 94–22, and, therefore, is beyond the scope of this rulemaking.

The proposals are adopted as proposed.

Section 23.201 Wings Level Stall

The FAA proposed to remove the two-control airplane requirements, altitude loss requirements, and to make clarifying changes in § 23.201.

The FAA proposed to revise § 23.201(a) to remove the applicability reference for an airplane with independently controlled roll and directional controls and to replace the last word ''pitches'' with ''stalls'' since stalls may be defined by other than nose-down pitching.

The FAA proposed to remove § 23.201(b) since it applies to two-control airplanes. (See § 23.177 for discussion of two-control airplane requirements.)

The FAA proposed to divide § 23.201(c) into § 23.201(b), stall recognition, and § 23.201(c), stall recovery. The FAA proposed, in § 23.201(b), to clarify that the test should start from a speed at least 10 knots above the stall speed, with no change in requirements. The FAA proposed to add § 23.201(c) to specify how long the control must be held against the stop. This change ensures that the procedure for determining stall speed is the same procedure used to test stall characteristics. The FAA proposed to remove the last sentence of paragraph (c) on the increase of power because it only applies to altitude loss.

The FAA proposed to remove § 23.201(d), as suggested by the JAA, since the determination of altitude loss, and its subsequent furnishing in the AFM, is not considered information useful to the pilot for safe operation of the airplane.

The FAA proposed new § 23.201(d) based on present § 23.201(e), to clarify that the roll and yaw limits apply during both entry and recovery.

The FAA proposed new § 23.201(e) based on former paragraph (f) with some revisions. During FAA/JAA harmonization meetings, the JAA pointed out to the FAA that, in high power-to-weight ratio airplanes, extreme nose-up attitudes were the principal criteria for use of reduced power, not the presence of undesirable stall characteristics. The FAA concurs, and, therefore, proposed to remove the phrase concerning stall characteristics.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.203 Turning Flight and Accelerated Turning Stalls

The FAA proposed to revise § 23.203 to add the word ''turning'' before ''stalls'' and after ''accelerated'' in the heading, the introductory text, and in paragraphs (a)(2) and (b)(5). This change clarifies that accelerated stalls are performed in turning flight. This clarification reflects current practice.

In § 23.203 (a) and (b), the FAA proposed to reference the stall definition in current § 23.201(b), which is more specific than the present general words ''when the stall has fully developed or the elevator has reached its stop.''

For clarification, the FAA proposed that paragraph (b)(4) be separated into paragraphs (b)(4) and (b)(5) without substantive change, and that former paragraph (b)(5) be redesignated as paragraph (b)(6).

The FAA proposed in § 23.203(c)(1) to clarify the wing flap positions by changing ''each intermediate position'' to ''each intermediate normal operating position,'' and in § 23.203(c)(4) to clarify the use of reduced power. (See the final change to § 23.201(f).)

The FAA proposed new paragraph (c)(6) to be consistent with new § 23.207(c)(6) configurations (Amendment No. 23–45).

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.205 Critical Engine-Inoperative Stalls

The FAA proposed to remove § 23.205. The stall demonstration conditions are not realistic because the engine operation and power asymmetry do not represent conditions likely to accompany an inadvertent stall in service. Service history shows, however, that stalls with significant power asymmetry can result in a spin, even on airplanes that are certificated to the present requirement. Based on this service history, the FAA determined that the requirement for demonstrating one-engine-inoperative stalls is not effective in ensuring that inadvertent stalls with one engine inoperative will have satisfactory characteristics and be recoverable. Sufficient protection against the hazard of stalling with one engine inoperative is provided by the one-engine-inoperative performance requirements and operating speed margins, coupled with the requirements for determination of V_{MC}, and the addition of a directional and lateral control test under § 23.147(b).

No comments were received on the proposal for this section, and the section is removed as proposed.

Section 23.207 Stall Warning

The FAA proposed, in § 23.207(c), to reference the stall tests required by

§ 23.201(b) and § 23.203(a)(1) and to specify that during such tests for one knot per second deceleration stalls, both wings level and turning, the stall warning must begin at a speed exceeding the stalling speed by a margin of not less than 5 knots. The FAA proposed to remove the quantified upper limit in the rule of 10 knots or 15 percent of the stalling speed. The upper limit has created problems for manufacturers because of the complex design features required to show compliance. The upper limit requirement is, in effect, replaced by the nuisance stall warning provision in § 23.207(d).

The FAA proposed to divide § 23.207(d) into § 23.207 (d) and (e), with § 23.207(d) on nuisance stall warnings having no change in requirements. In § 23.207(e), the FAA proposed to remove the bottom limit of five knots for decelerations greater than one knot per second and to specify that the stall warning must begin sufficiently before the stall so that the pilot can take corrective action. This is considered appropriate because, at the higher deceleration rates of three to five knots per second, a specified five knots may not be enough stall warning.

The FAA proposed new § 23.207(f) to allow for a mutable stall warning system in acrobatic category airplanes, with automatic arming for takeoff and rearming for landing. This feature allows the pilot to disengage the warning during acrobatics while retaining the safety feature during takeoff and landing.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.221 Spinning

The FAA proposed to change the point to start the one-turn-spin recovery count, to delete the ''characteristically incapable of spinning'' option, and to make minor changes in acrobatic category spins in § 23.221.

The FAA proposed, in § 23.221(a), to replace the exception for airplanes characteristically incapable of spinning with an exception for airplanes that demonstrate compliance with the optional spin resistant requirements of paragraph (a)(2) of this section. Criteria for an airplane incapable of spinning are unnecessary since criteria for spin resistant airplanes are provided. As proposed, § 23.221(a) changed the point at which the count for the one-turn-spin recovery begins. The change provides a specific point to begin the count by replacing the phrase ''after the controls have been applied'' with ''after initiation of the first control action for recovery.'' Under the former rules, if an applicant proposed a multiple step recovery procedure that starts with the rudder, then the airplane may be effectively recovered before the start of the recovery count.

The FAA proposed, in § 23.221(a)(1)(ii), to specify that no control force or characteristic can adversely affect prompt recovery. This would be an improvement over the present requirement because it includes yaw and roll as well as pitch control.

The FAA proposed to recodify § 23.221(a)(1) into § 23.221 (a)(1)(i) through (a)(1)(iv) with no changes in the requirements, and to restate § 23.221(a)(2) on spin resistant airplanes with minor editorial changes but with no change in requirements.

The FAA proposed to specify, in § 23,221(b), the emergency egress requirements of § 23.807(b)(5) for those utility category airplanes approved for spinning, thereby cross-referencing the requirements of § 23.807 to the flight requirements.

The FAA proposed, in the introductory paragraph of § 23.221(c), to require acrobatic category airplanes to meet the one-turn-spin requirements of § 23.221(a). This change is needed because acrobatic category airplanes should have sufficient controllability to recover from the developing one-turn-spin under the same conditions as normal category airplanes. The introductory paragraph also cross-references § 23.807 for emergency egress requirements.

The FAA proposed, in § 23.221(c)(1), pertaining to acrobatic category airplanes, to add a requirement for spin recovery after six turns or any greater number of turns for which certification is requested. This rule requires recovery within 1.5 turns after initiation of the first control action for recovery. This requirement ensures recovery within 1.5 turns if the spin mode changes beyond six turns. As an alternative, the applicant may stop at six turns and provide a limitation of six turns.

The FAA proposed, in § 23.221(c)(2), to remove the option to retract flaps during recovery and to provide the applicant with a choice of flaps up or flaps deployed for spin approval. The paragraph continues to prohibit exceeding applicable airspeed limits and limit maneuvering load factors.

The FAA proposed new § 23.221(c)(4) to ensure that the acrobatic spins do not cause pilot incapacitation.

The FAA proposed to remove § 23.221(d), relating to airplanes that are ''characteristically incapable of spinning,'' which has been in the regulation since at least 1937. In 1942, the present weight, center of gravity, and control mis-rig criteria were introduced into Civil Air Regulation (CAR) 03. Since then, the National Aeronautics and Space Administration (NASA) spin resistant requirements, which are based on research, have been developed and incorporated in the regulations by Amendment No. 23–42 (56 FR 344, January 3, 1991). If an applicant proposes a non-spinable airplane, it would be appropriate to apply the requirements of § 23.221(a)(2) as proposed in Notice 90–22.

The only comment on this section was a JAA statement recognizing this as an existing disharmony.

The proposals are adopted as proposed.

Section 23.233 Directional Stability and Control

The FAA proposed to make minor word changes to § 23.233(a) to harmonize this section with the corresponding JAR section.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.235 Operation on Unpaved Surfaces

The FAA proposed to revise the heading of § 23.235 and to remove water operating requirements, which are moved to new § 23.237.

No comments were received on the proposals for this section, and it is adopted as proposed.

Section 23.237 Operation on Water

New § 23.237, for operation on water, is the same as the former § 23.235(b).

The only comment on this section is a JAA statement acknowledging an existing disharmony.

The proposal is adopted as proposed.

Section 23.253 High Speed Characteristics

The FAA proposed to remove paragraph (b)(1), since the requirement for piloting strength and skill is covered in § 23.141.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.562 Emergency Landing Dynamic Conditions

The FAA proposed to change the one engine inoperative climb to remove the reference in § 23.562(d) and to add it to § 23.67(a)(1).

The only comment on this section is a JAA statement acknowledging existing disharmony.

The proposal is adopted as proposed.

Section 23.1325 Static Pressure System

The FAA proposed to revise § 23.1325(e) to clarify that the static pressure calibration must be conducted in flight, which is standard practice, and to remove and reserve § 23.1325(f).

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1511 Flap Extended Speed

The FAA proposed to remove from § 23.1511(a) references to § 23.457. Section 23.457 is proposed to be removed in a related NPRM, Notice No. 94–20 (59 FR 35196, July 8, 1994), on the airframe.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1521 Powerplant Limitations

The FAA proposed to amend § 23.1521 to require maximum temperature be established for takeoff operation and to require an ambient temperature limit for reciprocating engines in airplanes of more than 6,000 pounds.

The FAA proposed in § 23.1521(b)(5) to require the establishment of maximum cylinder head, liquid coolant, and oil temperature limits for takeoff operation without regard to the allowable time. Previously, temperature limits were required only if the takeoff power operation is permitted for more than two minutes. It is appropriate to require operating temperature limitations because most takeoff operations will exceed two minutes.

The FAA proposed in § 23.1521(e) to require an ambient temperature limit for turbine engine-powered airplanes and reciprocating engine-powered airplanes over 6,000 pounds. These airplanes are subject to WAT limits and the revision will ensure that airplane engines will cool at the ambient temperature limit.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1543 Instrument Markings: General

The FAA proposed new § 23.1543(c) to require that all related instruments be calibrated in compatible units. This is considered essential for safe operation.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1545 Airspeed Indicator

The FAA proposed in § 23.1545(b)(5) to delete any one-engine-inoperative best rate of climb speed marking requirements for WAT limited airplanes. These airplanes already have scheduled speeds in case of an engine failure. The FAA proposed that paragraph (b)(5) apply only to non-WAT airplanes for which the one-engine-operative best rate of climb speed marking has been simplified to reflect performance for sea level at maximum weight. Since the blue arc rule was promulgated in Amendment No. 23–23 (43 FR 50593, October 30, 1978), certification experience has shown that the marking of an arc is unnecessarily complicated. For many airplanes, the approved arc was so narrow that the arc was a line; therefore, final paragraph (b)(5) requires a blue radial line instead of an arc.

The FAA proposed to revise § 23.1545(b)(6) to retain the existing V_{MC} requirement for non-WAT airplanes and to remove the requirement for V_{MC} markings for WAT airplanes since WAT airplanes already have scheduled speeds in case of engine failure.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1553 Fuel Quantity Indicator

The FAA proposed to remove, from § 23.1553, the use of an arc to show a quantity of unusable fuel. The FAA proposed that the rule reference the unusable fuel determination and require only a red radial line, which provides a clearer indication of fuel quantity for pilots.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1555 Control Markings

The FAA proposed to add to § 23.1555(e)(2) a requirement that no controls except emergency controls be red.

Comment: Transport Canada states that certain cockpit controls serve a dual purpose in that they serve normal aircraft operation functions as well as emergency functions. Examples are fuel selector valves and door handles. Transport Canada recommends rule language that recognizes dual usage.

FAA Response: Transport Canada's statement about the existence of dual usage controls is correct. The FAA originally intended to address the dual usage issue in an AC. On further evaluation of the proposed rule language, dual usage controls would be prohibited, if it were adopted as proposed. Therefore, an AC could not be used to allow controls such as the mixture (which is usually red) to continue to be red without violating the rule. The FAA has incorporated the dual usage language in the final rule to avoid confusion between the intent of the rule and the current practice.

The proposal is adopted with the changes mentioned above.

Section 23.1559 Operating Limitations Placard

The FAA proposed to simplify § 23.1559 and to remove duplicate material while requiring essentially the same information. Most airplanes currently operate with an AFM and the new rule places emphasis on using the AFM to define required operating limitations.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1563 Airspeed Placards

The FAA proposed to add a new paragraph (c) to § 23.1563. The new paragraph is applicable to WAT limited airplanes and requires providing the maximum V_{MC} in the takeoff configuration determined under § 23.149(b). This is desirable since the V_{MC} is not marked on the airspeed indicator for these airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1567 Flight Maneuver Placard

The FAA proposed to add new § 23.1567(d) to apply to acrobatic and utility airplanes approved for intentional spinning, which requires a placard listing control actions for recovery. New paragraph (d) proposed to require a statement on the placard that the airplane be recovered when spiral characteristics occur, or after six turns, or at any greater number of turns for which certification tests have been conducted. This paragraph replaces the similar placard requirement in current § 23.1583(e)(3) for acrobatic category airplanes.

No comments were received on the proposal for this section, and it is adopted as proposed.

Section 23.1581 General

The FAA proposed to make editorial changes in § 23.1581 that recognize WAT limited and non-WAT limited airplanes.

In new § 23.1581(a)(3), the FAA proposed to require information necessary to comply with relevant operating rules. This is a FAR and JAR harmonization item and is considered necessary because some operational rules, such as § 135.391, require flight

planning with one-engine-inoperative cruise speed and/or driftdown data. For airplanes operated under part 135 in the United States, it represents no change in requirements.

The FAA proposed § 23.1581(b)(2) to require that only WAT limited airplane AFM's provide data necessary for determining WAT limits.

The FAA proposed new § 23.1581(c) to require the AFM units to be the same as on the instruments.

The FAA proposed new § 23.1581(d) to remove the requirement for a table of contents. This is considered a format requirement and is not appropriate for this section, which specifies AFM content. Section 23.1581(d) is replaced by a requirement to present all operational airspeeds as indicated airspeeds. This adopts current practice.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1583 Operating Limitations

The FAA proposed to revise § 23.1583 operating limitations information for the AFM. The FAA proposed to revise airspeed limitations for commuter category airplanes, to require AFM limitations for WAT limited airplanes, to furnish ambient temperature limitations and smoking restriction information, and to specify types of runway surfaces.

The FAA proposed, in § 23.1583(a)(3), to make V_{MO}/M_{MO} airspeed operating limitations applicable only to turbine powered commuter category airplanes. This is consistent with current practice since no reciprocating engine-powered commuter category airplanes have been proposed.

In § 23.1583(c)(3), the FAA proposed to add takeoff and landing weight limitations for WAT limited airplanes. (See § 23.45.)

The FAA proposed to revise § 23.1583(c)(4) and (c)(5), to renumber § 23.1583(c)(3) and (c)(4), and to make editorial and cross-reference changes. In paragraph (c)(4)(ii), the FAA proposed a new requirement that the AFM include the maximum takeoff weight for each airport altitude and ambient temperature within the range selected by the applicant at which the accelerate-stop distance determined under § 23.55 is equal to the available runway length plus the length of any stopway, if available. This is currently required for transport category airplanes and is necessary for harmonization with JAR 23.

In § 23.1583(c)(6), the FAA proposed to establish the zero wing fuel weight of § 23.343 as a limitation. This provides the pilot with information necessary to prevent exceeding airplane structural limits.

The FAA proposed editorial changes to § 23.1583(d) and, in paragraphs (e)(1) and (e)(2), to remove references to ''characteristically incapable of spinning.'' As discussed under § 23.221, requirements for ''characteristically incapable of spinning'' are removed.

In § 23.1583(e)(4), the FAA proposed to add a requirement to specify limitations associated with spirals, six turn spins, or more than six turn spins. The requirement for a placard is removed since the requirement is covered in § 23.1567.

The FAA proposed to revise § 23.1583(e)(5) based on former paragraph (e)(4) for commuter category airplanes. This restates the maneuvers as those proposed for commuter category airplanes in § 23.3.

The FAA proposed to revise the heading of § 23.1583(f) and to add a limit negative load factor for acrobatic category airplanes.

The FAA proposed to revise § 23.1583(g) to make editorial changes with no change in requirements and to reference the flight crews' requirements in § 23.1523. As proposed, § 23.1583(k), (l), and (m) are redesignated as § 23.1583(i), (j), and (k).

The FAA proposed new § 23.1583(l) to require baggage and cargo loading limits in the AFM.

The FAA proposed a new § 23.1583(m) to require any special limitations on systems and equipment in the AFM. This provides the pilot with information necessary for safe operation of the airplane systems and equipment.

The FAA proposed a new § 23.1583(n) to require a statement on ambient temperature limitations. Maximum cooling temperature limits have been required for turbine powered airplanes by § 23.1521(e); however, the requirement for the limitation has never been specified in § 23.1583. Proposed § 23.1583(n) requires both maximum and minimum temperature limits if appropriate. A minimum temperature limit provides the pilot with information necessary to avoid airplane damage during low temperature operations.

The FAA proposed a new § 23.1583(o) to state any occupant smoking limitations on the airplane in the AFM.

The FAA proposed a new § 23.1583(p) to require the applicant to state what runway surfaces have been approved.

No comments were received on the proposals for this section, and it is adopted as proposed.

Section 23.1585 Operating Procedures

The FAA proposed to rearrange the material in § 23.1585(a). Also, the FAA proposed to add, for all airplanes, a requirement to paragraph (a) that information in the following areas be included: Unusual flight or ground handling characteristics; maximum demonstrated values of crosswinds; recommended speed for flight in rough air; restarting an engine in flight; and making a normal approach and landing in accordance with §§ 23.73 and 23.75. All of these requirements are in former § 23.1585(a) except for restarting a turbine engine in flight, which is in former paragraph (c)(5) pertaining only to multiengine airplanes. The FAA decided that a restart capability is not required for single reciprocating engine airplanes for the reasons given in the preamble discussion of proposal 3 in Amendment No. 23–43 (58 FR 18958, April 9, 1993). The requirement to provide restart information should apply to single turbine engines, however, since turbine engine designs incorporate a restart capability and inadvertent shutdowns may occur. The requirement for normal approach and landing information, in accordance with the landing requirement in §§ 23.73 and 23.75, is new. This information is necessary to enable pilots to achieve the published landing distances and, if necessary, to safely transition to a balked landing.

The FAA proposed to revise § 23.1585(b) by adding new requirements, which cover gliding after an engine failure for single-engine airplanes, to reference the new requirements proposed in § 23.71.

The FAA proposed to revise § 23.1585(c) to require compliance with paragraph (a) plus the following requirements from former paragraph (c): Approach and landing with an engine inoperative; balked landing with an engine inoperative; and V_{SSE} as determined in § 23.149. The FAA also proposed to redesignate paragraph (c) requirements, information on procedures for continuing a takeoff following an engine failure and continuing a climb following an engine failure, as proposed (e) for normal, utility, and acrobatic multiengines.

The FAA proposed to revise § 23.1585(d) to apply to normal, utility, and acrobatic airplanes, which would have to comply with paragraph (a) and either (b) or (c). These airplanes must also comply with the normal takeoff, climb, and abandoning a takeoff procedures, which were contained in paragraph (a).

The FAA proposed to revise § 23.1585(c), for normal, utility and acrobatic multiengine airplanes, to require compliance with proposed (a), (c), and (d), plus requirements for continuing a takeoff or climb with one engine inoperative that were in former paragraph (c) (1) and (2).

The FAA proposed to revise § 23.1585(f) to amend normal takeoff requirements in former paragraph (a)(2); to add accelerate-stop requirements; and to continue takeoff after engine failure, which was in former paragraph (c)(1).

The FAA proposed no substantial changes in § 23.1585 (g) and (h), which are based on paragraphs (d) and (e), respectively.

The FAA proposed to revise § 23.1585(i) based on former paragraph (g) on the total quantity of usable fuel and to add information on the effect of pump failure on unusable fuel.

The FAA proposed a new § 23.1585(j) to require procedures for safe operation of the airplanes' systems and equipment that, although not previously required, are current industry practice.

In the proposed revision of § 23.1585(h), the commuter category airplane procedures for restarting turbine engines in flight would no longer be necessary because the requirement is covered under paragraph (a)(4).

Comment: The JAA comments that the JAA does not agree with limiting the inflight engine restart requirements of proposed paragraph (a)(4) to turbine engines only.

FAA Response: The JAA comment addresses a known disharmony between the regulations.

No substantive comment was received, and the proposals are adopted as proposed.

Section 23.1587 Performance Information

The FAA proposed to revise § 23.1587 to rearrange existing material, to remove ski plane performance exceptions, to remove the option of calculating approximate performance, to remove staff altitude loss data, and to require overweight landing performance in § 23.1587. Stalling speed requirements of paragraph (c)(2) and (3) are combined and moved to final paragraph (a)(1) and reference and stalling speed requirement of § 23.49. Information on the steady rate and gradient of climb with all engines operating is required by paragraph (a)(2). This is revised from paragraph (a)(2). The climb section referenced in existing § 23.1587(a)(2) is removed and replaced with § 23.69(a).

The FAA proposed to revise paragraph (a)(3) to add that landing distance determined under § 23.75 must be provided for each airport altitude, standard temperature, and type of surface for which it is valid. The FAA proposed to revise paragraph (a)(4) to require information on the effect on landing distance when landing on other than hard surface, as determined under § 23.45(g). The FAA proposed to revise paragraph (a)(5) to cover information on the effects on landing distance of runway slope and wind. This provides the pilot with data with which to account for these factors in his or her takeoff calculations.

The FAA proposed to remove requirements on ski planes from § 23.1587(b) and to add a requirement for a steady angle of climb/descent, as determined under § 23.77(a), in its place. This requirement applies to all non-WAT airplanes.

The FAA proposed to revise paragraph (c) to apply normal, utility, and acrobatic category airplanes, rather than all airplanes. The FAA proposed to remove the stall altitude loss requirements from paragraph (c)(1). As mentioned, the FAA proposed to remove the stalling speed requirements from paragraphs (c)(2) and (c)(3) and to place them in paragraph (a)(1). The FAA also proposed to remove paragraph (c)(4) on cooling climb speed data since most airplanes cool at scheduled speeds.

The FAA proposes to revise paragraph (c)(1) to pertain to the takeoff distance determined under § 23.53 and to the type of surface. Proposed paragraphs (c)(2) and (c)(3) pertain to the effect on takeoff distance of the runway surface, slope, and headwind and tailwind component.

The FAA proposed to revise paragraph (c)(4) to add a new requirement pertaining to the one-engine inoperative takeoff climb/descent performance for WAT-limited airplanes. This pertains only to reciprocating engine-powered airplanes. It provides the pilot with the information determined under final § 23.66.

The FAA proposed a new paragraph (c)(5), which pertains to enroute rate and gradient and climb/descent determined under § 23.69(b), for multiengine airplanes.

The FAA proposed to revised § 23.1587(d) to incorporate into commuter category airplanes the present data and accelerate-stop data, overweight landing performance, and the effect of operation on other than smooth hard surfaces. In addition, in order to consolidate all of the requirements for what must appear in the AFM in subpart G, the FAA proposed that § 23.1587(d)(10) contain the requirement, found in former § 23.1323(d), to show the relationship between IAS and CAS in the AFM.

No comments were received on the proposals for this section, and they are adopted as proposed.

Section 23.1589 Loading Information

The FAA proposed to make editorial changes in § 23.1589(b) to simplify the text, with no change in requirements.

No comments were received on the proposal for this section, and it is adopted as proposed.

Appendix E

The FAA proposed to remove Appendix E and to reserve it for the reasons given in the change to § 23.25.

No comments were received on the proposal, and Appendix E is removed and reserved as proposed.

Regulatory Evaluation, Regulatory Flexibility Determination, and Trade Impact Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations only if the potential benefits to society justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these assessments, the FAA has determined that this rule: (1) Will generate benefits exceeding its costs and is ''significant'' as defined in the Executive Order; (2) is ''significant'' as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Comments Related to the Economics of the Proposed Rule

One comment was received regarding the economics, § 23.143 Controllability and Maneuverability. This comment, as well as the FAA's response, are included in the section ''Discussion of Amendments.''

Regulatory Evaluation Summary

The FAA has identified 15 sections that will result in additional compliance costs to one or more airplane categories. Amendments to five sections will result in cost savings. The greatest costs will be incurred by manufacturers of WAT

limited airplanes (e.g., multiengine airplanes with maximum weights of more than 6,000 pounds). When amortized over a production run, the incremental costs will have a negligible impact on airplane prices, less than $100 per airplane.

The primary benefit of the rule will be the cost efficiencies of harmonization with the JAR for those manufacturers that choose to market airplanes in JAA countries as well as to manufacturers in JAA countries that market airplanes in the United States. Other benefits of the rule will be decreased reliance on special conditions, simplification of the certification process through clarification of existing requirements, and increased flexibility through optional designs.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. Based on FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, the FAA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The rule will not constitute a barrier to international trade, including the export of American airplanes to foreign countries and the impact of foreign airplanes into the United States. Instead, the flight certification procedures have been harmonized with those of the JAA and will lessen restraints on trade.

Federalism Implications

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

Conclusion

The FAA is revising the flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes to harmonize them with the standards of the Joint Aviation Authorities in Europe for the same category airplanes. The revisions will reduce the regulatory burden on the United States and European airplane manufacturers by relieving them of the need to show compliance with different standards each time they seek certification approval of an airplane in the United States or in a country that is a member of the JAA.

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation, the FAA has determined that this rule is significant under Executive Order 12866. In addition, the FAA certifies that this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A regulatory evaluation of the rule has been placed in the docket. A copy may be obtained by contracting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR parts 1 and 23 to read as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

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

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

2. A new definition is added in alphabetical order to § 1.1 to read as follows:

§ 1.1 General definitions.

* * * * * * *

Maximum speed for stability characteristics, V_{FC}/M_{FC} means a speed that may not be less than a speed midway between maximum operating limit speed (V_{MO}/M_{MO}) and demonstrated flight diving speed (V_{DF}/M_{DF}), except that, for altitudes where the Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

* * * * *

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

3. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

4. Section 23.3 is amended by revising paragraphs (b)(2), (d), and (e) to read as follows:

§ 23.3 Airplane categories.

* * * * *

(b) * * *

(2) Lazy eights, chandelles, and steep turns, or similar maneuvers, in which the angle of bank is more than 60 degrees but not more than 90 degrees.

* * * * *

(d) The commuter category is limited to propeller-driven, multiengine airplanes that have a seating configuration, excluding pilot seats, of 19 or less, and a maximum certificated takeoff weight of 19,000 pounds or less. The commuter category operation is limited to any maneuver incident to normal flying, stalls (except whip stalls), and steep turns, in which the angle of bank is not more than 60 degrees.

(e) Except for commuter category, airplanes may be type certificated in more than one category if the requirements of each requested category are met.

5. Section 23.25 is amended by revising paragraphs (a) introductory text and (a)(1) introductory text, and paragraphs (a)(1)(i) and (a)(1)(iii) to read as follows:

§ 23.25 Weight limits.

(a) *Maximum weight.* The maximum weight is the highest weight at which compliance with each applicable requirement of this part (other than those complied with at the design landing weight) is shown. The maximum weight must be established so that it is—

(1) Not more than the least of—

(i) The highest weight selected by the applicant; or

* * * * *

(iii) The highest weight at which compliance with each applicable flight requirement is shown, and

* * * * *

6. Section 23.33 is amended by revising paragraphs (b) (1) and (2) to read as follows:

§ 23.33 Propeller speed and pitch limits.

(b) * * *

(1) During takeoff and initial climb at the all engine(s) operating climb speed

specified in § 23.65, the propeller must limit the engine r.p.m., at full throttle or at maximum allowable takeoff manifold pressure, to a speed not greater than the maximum allowable takeoff r.p.m.; and

(2) During a closed throttle glide, at V_{NE}, the propeller may not cause an engine speed above 110 percent of maximum continuous speed.

* * * * *

7. Section 23.45 is revised to read as follows:

§ 23.45 General.

(a) Unless otherwise prescribed, the performance requirements of this part must be met for—

(1) Still air and standard atmosphere; and

(2) Ambient atmospheric conditions, for commuter category airplanes, for reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight, and for turbine engine-powered airplanes.

(b) Performance data must be determined over not less than the following ranges of conditions—

(1) Airport altitudes from sea level to 10,000 feet; and

(2) For reciprocating engine-powered airplanes of 6,000 pounds, or less, maximum weight, temperature from standard to 30 °C above standard; or

(3) For reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and turbine engine-powered airplanes, temperature from standard to 30 °C above standard, or the maximum ambient atmospheric temperature at which compliance with the cooling provisions of § 23.1041 to § 23.1047 is shown, if lower.

(c) Performance data must be determined with the cowl flaps or other means for controlling the engine cooling air supply in the position used in the cooling tests required by § 23.1041 to § 23.1047.

(d) The available propulsive thrust must correspond to engine power, not exceeding the approved power, less—

(1) Installation losses; and

(2) The power absorbed by the accessories and services appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(e) The performance, as affected by engine power or thrust, must be based on a relative humidity:

(1) Of 80 percent at and below standard temperature; and

(2) From 80 percent, at the standard temperature, varying linearly down to 34 percent at the standard temperature plus 50 °F.

(f) Unless otherwise prescribed, in determining the takeoff and landing distances, changes in the airplane's configuration, speed, and power must be made in accordance with procedures established by the applicant for operation in service. These procedures must be able to be executed consistently by pilots of average skill in atmospheric conditions reasonably expected to be encountered in service.

(g) The following, as applicable, must be determined on a smooth, dry, hard-surfaced runway—

(1) Takeoff distance of § 23.53(b);

(2) Accelerate-stop distance of § 23.55;

(3) Takeoff distance and takeoff run of § 23.59; and

(4) Landing distance of § 23.75.

Note: The effect on these distances of operation on other types of surfaces (for example, grass, gravel) when dry, may be determined or derived and these surfaces listed in the Airplane Flight Manual in accordance with § 23.1583(p).

(h) For commuter category airplanes, the following also apply:

(1) Unless otherwise prescribed, the applicant must select the takeoff, enroute, approach, and landing configurations for the airplane.

(2) The airplane configuration may vary with weight, altitude, and temperature, to the extent that they are compatible with the operating procedures required by paragraph (h)(3) of this section.

(3) Unless otherwise prescribed, in determining the critical-engine-inoperative takeoff performance, takeoff flight path, and accelerate-stop distance, changes in the airplane's configuration, speed, and power must be made in accordance with procedures established by the applicant for operation in service.

(4) Procedures for the execution of discontinued approaches and balked landings associated with the conditions prescribed in § 23.67(c)(4) and § 23.77(c) must be established.

(5) The procedures established under paragraphs (h)(3) and (h)(4) of this section must—

(i) Be able to be consistently executed by a crew of average skill in atmospheric conditions reasonably expected to be encountered in service;

(ii) Use methods or devices that are safe and reliable; and

(iii) Include allowance for any reasonably expected time delays in the execution of the procedures.

8. Section 23.49 is revised to read as follows:

§ 23.49 Stalling period.

(a) V_{SO} and V_{S1} are the stalling speeds or the minimum steady flight speeds, in knots (CAS), at which the airplane is controllable with—

(1) For reciprocating engine-powered airplanes, the engine(s) idling, the throttle(s) closed or at not more than the power necessary for zero thrust at a speed not more than 110 percent of the stalling speed;

(2) For turbine engine-powered airplanes, the propulsive thrust not greater than zero at the stalling speed, or, if the resultant thrust has no appreciable effect on the stalling speed, with engine(s) idling and throttle(s) closed;

(3) The propeller(s) in the takeoff position;

(4) The airplane in the condition existing in the test, in which V_{SO} and V_{S1} are being used;

(5) The center of gravity in the position that results in the highest value of V_{SO} and V_{S1}; and

(6) The weight used when V_{SO} and V_{S1} are being used as a factor to determine compliance with a required performance standard.

(b) V_{SO} and V_{S1} must be determined by flight tests, using the procedure and meeting the flight characteristics specified in § 23.201.

(c) Except as provided in paragraph (d) of this section, V_{SO} and V_{S1} at maximum weight must not exceed 61 knots for—

(1) Single-engine airplanes; and

(2) Multiengine airplanes of 6,000 pounds or less maximum weight that cannot meet the minimum rate of climb specified in § 23.67(a) (1) with the critical engine inoperative.

(d) All single-engine airplanes, and those multiengine airplanes of 6,000 pounds or less maximum weight with a V_{SO} of more than 61 knots that do not meet the requirements of § 23.67(a)(1), must comply with § 23.562(d).

9. Section 23.51 is revised to read as follows:

§ 23.51 Takeoff speeds.

(a) For normal, utility, and acrobatic category airplanes, rotation speed, V_R, is the speed at which the pilot makes a control input, with the intention of lifting the airplane out of contact with the runway or water surface.

(1) For multiengine landplanes, V_R, must not be less than the greater of 1.05 V_{MC}; or 1.10 V_{S1};

(2) For single-engine landplanes, V_R, must not be less than V_{S1}; and

(3) For seaplanes and amphibians taking off from water, V_R, may be any speed that is shown to be safe under all reasonably expected conditions, including turbulence and complete failure of the critical engine.

(b) For normal, utility, and acrobatic category airplanes, the speed at 50 feet above the takeoff surface level must not be less than:

(1) or multiengine airplanes, the highest of—

(i) A speed that is shown to be safe for continued flight (or emergency landing, if applicable) under all reasonably expected conditions, including turbulence and complete failure of the critical engine;

(ii) 1.10 V_{MC}; or

(iii) 1.20 V_{S1}.

(2) For single-engine airplanes, the higher of—

(i) A speed that is shown to be safe under all reasonably expected conditions, including turbulence and complete engine failure; or

(ii) 1.20 V_{S1}.

(c) For commuter category airplanes, the following apply:

(l) V_1 must be established in relation to V_{EF} as follows:

(i) V_{EF} is the calibrated airspeed at which the critical engine is assumed to fail. V_{EF} must be selected by the applicant but must not be less than 1.05 V_{MC} determined under § 23.149(b) or, at the option of the applicant, not less than V_{MCG} determined under § 23.149(f).

(ii) The takeoff decision speed, V_1, is the calibrated airspeed on the ground at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The takeoff decision speed, V_1, must be selected by the applicant but must not be less than V_{EF} plus the speed gained with the critical engine inoperative during the time interval between the instant at which the critical engine is failed and the instant at which the pilot recognizes and reacts to the engine failure, as indicated by the pilot's application of the first retarding means during the accelerate-stop determination of § 23.55.

(2) The rotation speed, V_R, in terms of calibrated airspeed, must be selected by the applicant and must not be less than the greatest of the following:

(i) V_1;

(ii) 1.05 V_{MC} determined under § 23.149(b);

(iii) 1.10 V_{S1}; or

(iv) The speed that allows attaining the initial climb-out speed, V_2, before reaching a height of 35 feet above the takeoff surface in accordance with § 23.57(c)(2).

(3) For any given set of conditions, such as weight, altitude, temperature, and configuration, a single value of V_R must be used to show compliance with both the one-engine-inoperative takeoff and all-engines-operating takeoff requirements.

(4) The takeoff safety speed, V_2, in terms of calibrated airspeed, must be selected by the applicant so as to allow the gradient of climb required in § 23.67 (c)(1) and (c)(2) but mut not be less than 1.10 V_{MC} or less than 1.20 V_{S1}.

(5) The one-engine-inoperative takeoff distance, using a normal rotation rate at a speed 5 knots less than V_R, established in accordance with paragraph (c)(2) of this section, must be shown not to exceed the corresponding one-engine-inoperative takeoff distance, determined in accordance with § 23.57 and § 23.59(a)(1), using the established V_R. The takeoff, otherwise performed in accordance with § 23.57, must be continued safely from the point at which the airplane is 35 feet above the takeoff surface and at a speed not less than the established V_2 minus 5 knots.

(6) The applicant must show, with all engines operating, that marked increases in the scheduled takeoff distances, determined in accordance with § 23.59(a)(2), do not result from over-rotation of the airplane or out-of-trim conditions.

10. Section 23.53 is revised to read as follows:

§ 23.53 Takeoff performance.

(a) For normal, utility, and acrobatic category airplanes, the takeoff distance must be determined in accordance with paragraph (b) of this section, using speeds determined in accordance with § 23.51 (a) and (b).

(b) For normal, utility, and acrobatic category airplanes, the distance required to takeoff and climb to a height of 50 feet above the takeoff surface must be determined for each weight, altitude, and temperature within the operational limits established for takeoff with—

(1) Takeoff power on each engine;

(2) Wing flaps in the takeoff position(s); and

(3) Landing gear extended.

(c) For commuter category airplanes, takeoff performance, as required by §§ 23.55 through 23.59, must be determined with the operating engine(s) within approved operating limitations.

11. Section 23.55 is amended by revising paragraph (a) and the introductory text of paragraph (b) to read as follows:

§ 23.55 Accelerate-stop distance.

* * * * *

(a) The accelerate-stop distance is the sum of the distances necessary to—

(1) Accelerate the airplane from a standing start to V_{EF} with all engines operating;

(2) Accelerate the airplane from V_{EF} to V_1, assuming the critical engine fails at V_{EF}; and

(3) Come to a full stop from the point at which V_1 is reached.

(b) Means other than wheel brakes may be used to determine the accelerate-stop distances if that means—

* * * * *

12. Section 23.57 is amended by revising paragraphs (a) introductory text, (b), (c)(1), (c)(3) introductory text, (c)(4), and (d); and by adding a new paragraph (e) to read as follows:

§ 23.57 Takeoff path.

* * * * *

(a) The takeoff path extends from a standing start to a point in the takeoff at which the airplane is 1500 feet above the takeoff surface at or below which height the transition from the takeoff to the enroute configuration must be completed; and

* * * * *

(b) During the acceleration to speed V_2, the nose gear may be raised off the ground at a speed not less than V_R. However, landing gear retraction must not be initiated until the airplane is airborne.

(c) * * *

(1) The slope of the airborne part of the takeoff path must not be negative at any point;

* * * * *

(3) At each point along the takeoff path, starting at the point at which the airplane reaches 400 feet above the takeoff surface, the available gradient of climb must not be less than—

* * * * *

(4) Except for gear retraction and automatic propeller feathering, the airplane configuration must not be changed, and no change in power that requires action by the pilot may be made, until the airplane is 400 feet above the takeoff surface.

(d) The takeoff path to 35 feet above the takeoff surface must be determined by a continuous demonstrated takeoff.

(e) The takeoff path to 35 feet above the takeoff surface must be determined by synthesis from segments; and

(1) The segments must be clearly defined and must be related to distinct changes in configuration, power, and speed;

(2) The weight of the airplane, the configuration, and the power must be assumed constant throughout each segment and must correspond to the most critical condition prevailing in the segment; and

(3) The takeoff flight path must be based on the airplane's performance without utilizing ground effect.

13. Section 23.59 is amended by revising the introductory text, paragraph (a)(2), and paragraph (b) to read as follows:

§ 23.59 Takeoff distance and takeoff run.

For each commuter category airplane, the takeoff distance and, at the option of the applicant, the takeoff run, must be determined.

(a) * * *

(2) With all engines operating, 115 percent of the horizontal distance from the start of the takeoff to the point at which the airplane is 35 feet above the takeoff surface, determined by a procedure consistent with § 23.57.

(b) If the takeoff distance includes a clearway, the takeoff run is the greater of—

(1) The horizontal distance along the takeoff path from the start of the takeoff to a point equidistant between the liftoff point and the point at which the airplane is 35 feet above the takeoff surface as determined under § 23.57; or

(2) With all engines operating, 115 percent of the horizontal distance from the start of the takeoff to a point equidistant between the liftoff point and the point at which the airplane is 35 feet above the takeoff surface, determined by a procedure consistent with § 23.57.

14. A new § 23.63 is added to read as follows:

§ 23.63 Climb: general.

(a) Compliance with the requirements of §§ 23.65, 23.66, 23.67, 23.69, and 23.77 must be shown—

(1) Out of ground effect; and

(2) At speeds that are not less than those at which compliance with the powerplant cooling requirements of §§ 23.1041 to 23.1047 has been demonstrated; and

(3) Unless otherwise specified, with one engine inoperative, at a bank angle not exceeding 5 degrees.

(b) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, compliance must be shown with § 23.65(a), § 23.67(a), where appropriate, and § 23.77(a) at maximum takeoff or landing weight, as appropriate, in a standard atmosphere.

(c) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight, and turbine engine-powered airplanes in the normal, utility, and acrobatic category, compliance must be shown at weights as a function of airport altitude and ambient temperature, within the operational limits established for takeoff and landing, respectively, with—

(1) Sections 23.65(b) and 23.67(b) (1) and (2), where appropriate, for takeoff, and

(2) Section 23.67(b)(2), where appropriate, and § 23.77(b), for landing.

(d) For commuter category airplanes, compliance must be shown at weights as a function of airport altitude and ambient temperature within the operational limits established for takeoff and landing, respectively, with—

(1) Sections 23.67(c)(1), 23.67(c)(2), and 23.67(c)(3) for takeoff; and

(2) Sections 23.67(c)(3), 23.67(c)(4), and 23.77(c) for landing.

15. Section 23.65 is revised to read as follows:

§ 23.65 Climb: all engines operating.

(a) Each normal, utility, and acrobatic category reciprocating engine-powered airplane of 6,000 pounds or less maximum weight must have a steady climb gradient at sea level of at least 8.3 percent for landplanes or 6.7 percet for seaplanes and amphibians with—

(1) Not more than maximum continuous power on each engine;

(2) The landing gear retracted;

(3) The wing flaps in the takeoff position(s); and

(4) A climb speed not less than the greater of 1.1 V_{MC} and 1.2 V_{S1} for multiengine airplanes and not less than 1.2 V_{S1} for single—engine airplanes.

(b) Each normal, utility, and acrobatic category reciprocating engine-powered airplane of more than 6,000 pounds maximum weight and turbine engine-powered airplanes in the normal, utility, and acrobatic category must have a steady gradient of climb after takeoff of at least 4 percent with

(1) Take off power on each engine;

(2) The landing gear extended, except that if the landing gear can be retracted in not more than sven seconds, the test may be conducted with the gear retracted;

(3) The wing flaps in the takeoff position(s); and

(4) A climb speed as specified in § 23.65(a)(4).

16. A new § 23.66 is added to read as follows:

§ 23.66 Takeoff climb: One-engine inoperative.

For normal, utility, and acrobatic category reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight, and turbine engine-powered airplanes in the normal, utility, and acrobatic category, the steady gradient of climb or descent must be determined at each weight, altitude, and ambient temperature within the operational limits established by the applicant with—

(a) The critical engine inoperative and its propeller in the position it rapidly and automatically assumes;

(b) The remaining engine(s) at takeoff power;

(c) The landing gear extended, except that if the landing gear can be retracted in not more than seven seconds, the test may be conducted with the gear retracted;

(d) The wing flaps in the takeoff position(s):

(e) The wings level; and

(f) A climb speed equal to that achieved at 50 feet in the demonstration of § 23.53.

17. Section 23.67 is revised to read as follows:

§ 23.67 Climb: One engine inoperative.

(a) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, the following apply:

(1) Except for those airplanes that meet the requirements prescribed in § 23.562(d), each airplane with a V_{SO} of more than 61 knots must be able to maintain a steady climb gradient of at least 1.5 percent at a pressure altitude of 5,000 feet with the—

(i) Critical engine inoperative and its propeller in the minimum drag position;

(ii) Remaining engine(s) at not more than maximum continuous power;

(iii) Landing gear retracted;

(iv) Wing flaps retracted; and

(v) Climb speed not less than 1.2 V_{S1}.

(2) For each airplane that meets the requirements prescribed in § 23.562(d), or that has a V_{SO} of 61 knots or less, the steady gradient of climb or descent at a pressure altitude of 5,000 feet must be determined with the—

(i) Critical engine inoperative and its propeller in the minimum drag position;

(ii) Remaining engine(s) at not more than maximum continuous power;

(iii) Landing gear retracted;

(iv) Wing flaps retracted; and

(v) Climb speed not less than 1.2V_{S1}.

(b) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight, and turbine engine-powered airplanes in the normal, utility, and acrobatic category—

(1) The steady gradient of climb at an altitude of 400 feet above the takeoff must be measurably positive with the—

(i) Critical engine inoperative and its propeller in the minimum drag position;

(ii) Remaining engine(s) at takeoff power;

(iii) Landing gear retracted;

(iv) Wing flaps in the takeoff position(s); and

(v) Climb speed equal to that achieved at 50 feet in the demonstration of § 23.53.

(2) The steady gradient of climb must not be less than 0.75 percent at an altitude of 1,500 feet above the takeoff surface, or landing surface, as appropriate, with the—

(i) Critical engine inoperative and its propeller in the minimum drag position;

(ii) Remaining engine(s) at not more than maximum continuous power;

(iii) Landing gear retracted;

(iv) Wing flaps retracted; and

(v) Climb speed not less than 1.2 V_{S1}.

(c) For commuter category airplanes, the following apply:

(1) *Takeoff; landing gear extended.* The steady gradient of climb at the altitude of the takeoff surface must be measurably positive for two-engine airplanes, not less than 0.3 percent for three-engine airplanes, or 0.5 percent for four-engine airplanes with—

(i) The critical engine inoperative and its propeller in the position it rapidly and automatically assumes;

(ii) The remaining engine(s) at takeoff power;

(iii) The landing gear extended, and all landing gear doors open;

(iv) The wing flaps in the takeoff position(s);

(v) The wings level; and

(vi) A climb speed equal to V_2.

(2) *Takeoff; landing gear retracted.* The steady gradient of climb at an altitude of 400 feet above the takeoff surface must be not less than 2.0 percent of two-engine airplanes, 2.3 percent for three-engine airplanes, and 2.6 percent for four-engine airplanes with—

(i) The critical engine inoperative and its propeller in the position it rapidly and automatically assumes;

(ii) The remaining engine(s) at takeoff power;

(iii) The landing gear retracted;

(iv) The wing flaps in the takeoff position(s);

(v) A climb speed equal to V_2.

(3) *Enroute.* The steady gradient of climb at an altitude of 1,500 feet above the takeoff or landing surface, as appropriate, must be not less than 1.2 percent for two-engine airplanes, 1.5 percent for three-engine airplanes, and 1.7 percent for four-engine airplanes with—

(i) The critical engine inoperative and its propeller in the minimum drag position;

(ii) The remaining engine(s) at not more than maximum continuous power;

(iii) The landing gear retracted;

(iv) The wing flaps retracted; and

(v) A climb speed not less than 1.2 V_{S1}.

(4) *Discontinued approach.* The steady gradient of climb at an altitude of 400 feet above the landing surface must be not less than 2.1 percent for two-engine airplanes, 2.4 percent for three-engine airplanes, and 2.7 percent for four-engine airplanes, with—

(i) The critical engine inoperative and its propeller in the minimum drag position;

(ii) The remaining engine(s) at takeoff power;

(iii) Landing gear retracted;

(iv) Wing flaps in the approach position(s) in which V_{S1} for these position(s) does not exceed 110 percent of the V_{S1} for the related all-engines-operated landing position(s); and

(v) A climb speed established in connection with normal landing procedures but not exceeding 1.5 V_{S1}.

18. A new § 23.69 is added to read as follows:

§ 23.69 Enroute climb/descent.

(a) *All engines operating.* The steady gradient and rate of climb must be determined at each weight, altitude, and ambient temperature within the operational limits established by the applicant with—

(1) Not more than maximum continuous power on each engine;

(2) The landing gear retracted;

(3) The wing flaps retracted; and

(4) A climb speed not less than 1.3 V_{S1}.

(b) *One engine inoperative.* The steady gradient and rate of climb/descent must be determined at each weight, altitude, and ambient temperature within the operational limits established by the applicant with—

(1) The critical engine inoperative and its propeller in the minimum drag position;

(2) The remaining engine(s) at not more than maximum continuous power;

(3) The landing gear retracted;

(4) The wing flaps retracted; and

(5) A climb speed not less than 1.2 V_{S1}.

19. A new § 23.71 is added to read as follows:

§ 23.71 Glide: Single-engine airplanes.

The maximum horizontal distance traveled in still air, in nautical miles, per 1,000 feet of altitude lost in a glide, and the speed necessary to achieve this must be determined with the engine inoperative, its propeller in the minimum drag position, and landing gear and wing flaps in the most favorable available position.

20. A new § 23.73 is added to read as follows:

§ 23.73 Reference landing approach speed.

(a) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, the reference landing approach speed, V_{REF}, must not be less than the greater of V_{MC}, determined in § 23.149(b) with the wing flaps in the most extended takeoff position, and 1.3 V_{SO}.

(b) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight, and turbine engine-powered airplanes in the normal, utility, and acrobatic category, the reference landing approach speed, V_{REF}, must not be less than the greater of V_{MC}, determined in § 23.149(c), and 1.3 V_{SO}.

(c) For commuter category airplanes, the reference landing approach speed, V_{REF}, must not be less than the greater of 1.05 V_{MC}, determined in § 23.149(c), and 1.3 V_{SO}.

21. Section 23.75 is amended by revising the section heading, introductory text, the introductory text of paragraph (a), and paragraphs (b), (d), (e), and (f); and by removing paragraph (h), to read as follows:

§ 23.75 Landing distance.

The horizontal distance necessary to land and come to a complete stop from a point 50 feet above the landing surface must be determined, for standard temperatures at each weight and altitude within the operational limits established for landing, as follows:

(a) A steady approach at not less than V_{REF}, determined in accordance with § 23.73 (a), (b), or (c), as appropriate, must be maintained down to the 50 foot height and—

* * * * *

(b) A constant configuration must be maintained throughout the maneuver.

* * * * *

(d) It must be shown that a safe transition to the balked landing conditions of § 23.77 can be made from the conditions that exist at the 50 foot height, at maximum landing weight, or at the maximum landing weight for altitude and temperature of § 23.63 (c)(2) or (d)(2), as appropriate.

(e) The brakes must be used so as to not cause excessive wear of brakes or tires.

(f) Retardation means other than wheel brakes may be used if that means—

(1) Is safe and reliable; and

(2) Is used so that consistent results can be expected in service.

* * * * *

22. Section 23.77 is revised to read as follows:

§ 23.77 Balked landing.

(a) Each normal, utility, and acrobatic category reciprocating engine-powered airplane at 6,000 pounds or less maximum weight must be able to maintain a steady gradient of climb at sea level of at least 3.3 percent with—

(1) Takeoff power on each engine;

(2) The landing gear extended;

(3) The wing flaps in the landing position, except that if the flaps may safely be retracted in two seconds or less without loss of altitude and without sudden changes of angle of attack, they may be retracted; and

(4) A climb speed equal to V_{REF}, as defined in § 23.73(a).

(b) Each normal, utility, and acrobatic category reciprocating engine-powered airplane of more than 6,000 pounds maximum weight and each normal, utility, and acrobatic category turbine engine-powered airplane must be able to maintain a steady gradient of climb of at least 2.5 percent with—

(1) Not more than the power that is available on each engine eight seconds after initiation of movement of the power controls from minimum flight-idle position;

(2) The landing gear extended;

(3) The wing flaps in the landing position; and

(4) A climb speed equal to V_{REF}, as defined in § 23.73(b).

(c) Each commuter category airplane must be able to maintain a steady gradient of climb of at least 3.2 percent with—

(1) Not more than the power that is available on each engine eight seconds after initiation of movement of the power controls from the minimum flight idle position;

(2) Landing gear extended;

(3) Wing flaps in the landing position; and

(4) A climb speed equal to V_{REF}, as defined in § 23.73(c).

23. Section 23.143 is amended by revising paragraphs (a) and (c) to read as follows:

§ 23.143 General.

(a) The airplane must be safely controllable and maneuverable during all flight phases including—

(1) Takeoff;

(2) Climb;

(3) Level flight;

(4) Descent;

(5) Go-around; and

(6) Landing (power on and power off) with the wing flaps extended and retracted.

* * * * *

(c) If marginal conditions exist with regard to required pilot strength, the control forces necessary must be determined by quantitative tests. In no case may the control forces under the conditions specified in paragraphs (a) and (b) of this section exceed those prescribed in the following table:

Values in pounds force applied to the relevant control	Pitch	Roll	Yaw
(a) For temporary application:			
Stick	60	30	.....
Wheel (Two hands on rim)	75	50	.....
Wheel (One hand on rim)	50	25	.....
Rudder Pedal	.....	.....	150
(b) For prolonged application	10	5	20

24. Section 23.145 is amended by revising paragraph (b) introductory text, paragraphs (b)(2) through (b)(5); adding a new paragraph (b)(6); and revising paragraphs (c) and (d) to read as follows:

§ 23.145 Longitudinal control.

* * * * *

(b) Unless otherwise required, it must be possible to carry out the following maneuvers without requiring the application of single-handed control forces exceeding those specified in § 23.143(c). The trimming controls must not be adjusted during the maneuvers:

* * * * *

(2) With landing gear and flaps extended, power off, and the airplane as nearly as possible in trim at 1.3 V_{SO}, quickly apply takeoff power and retract the flaps as rapidly as possible to the recommended go around setting and allow the airspeed to transition from 1.3 V_{SO} to 1.3 V_{S1}. Retract the gear when a positive rate of climb is established.

(3) With landing gear and flaps extended, in level flight, power necessary to attain level flight at 1.1 V_{SO}, and the airplane as nearly as possible in trim, it must be possible to maintain approximately level flight while retracting the flaps as rapidly as possible with simultaneous application of not more than maximum continuous power. If gated flat positions are provided, the flap retraction may be demonstrated in stages with power and trim reset for level flight at 1.1 V_{S1}, in the initial configuration for each stage—

(i) From the fully extended position to the most extended gated position;

(ii) Between intermediate gated positions, if applicable; and

(iii) From the least extended gated position to the fully retracted position.

(4) With power off, flaps and landing gear retracted and the airplane as nearly as possible in trim at 1.4 V_{S1}, apply takeoff power rapidly while maintaining the same airspeed.

(5) With power off, landing gear and flaps extended, and the airplane as nearly as possible in trim at V_{REF}, obtain and maintain airspeeds between 1.1 V_{SO}, and either 1.7 V_{SO} or V_{FE}, whichever is lower without requiring the application of two-handed control forces exceeding those specified in § 23.143(c).

(6) With maximum takeoff power, landing gear retracted, flaps in the takeoff position, and the airplane as nearly as possible in trim at V_{FE} appropriate to the takeoff flap position, retract the flaps as rapidly as possible while maintaining constant speed.

(c) At speeds above V_{MO}/M_{MO}, and up to the maximum speed shown under § 23.251, a maneuvering capability of 1.5 g must be demonstrated to provide a margin to recover from upset or inadvertent speed increase.

(d) It must be possible, with a pilot control force of not more than 10 pounds, to maintain a speed of not more than V_{REF} during a power-off glide with landing gear and wing flaps extended, for any weight of the airplane, up to and including the maximum weight.

* * * * *

25. Section 23.147 is revised to read as follows:

§ 23.147 Directional and lateral control.

(a) For each multiengine airplane, it must be possible, while holding the wings level within five degrees, to make sudden changes in heading safely in both directions. This ability must be shown at 1.4 V_{S1} with heading changes up to 15 degrees, except that the heading change at which the rudder force corresponds to the limits specified in § 23.143 need not be exceeded, with the—

(1) Critical engine inoperative and its propeller in the minimum drag position;

(2) Remaining engines at maximum continuous power;

(3) Landing gear—

(i) Retracted; and

(ii) Extended; and

(4) Flaps retracted.

(b) For each multiengine airplane, it must be possible to regain full control of the airplane without exceeding a bank angle of 45 degrees, reaching a dangerous attitude or encountering dangerous characteristics, in the event of a sudden and complete failure of the critical engine, making allowance for a delay of two seconds in the initiation of recovery action appropriate to the situation, with the airplane initially in trim, in the following condition:

(1) Maximum continuous power on each engine;

(2) The wing flaps retracted;

(3) The landing gear retracted;

(4) A speed equal to that at which compliance with § 23.69(a) has been shown; and

(5) All propeller controls in the position at which compliance with § 23.69(a) has been shown.

(c) For all airplanes, it must be shown that the airplane is safely controllable without the use of the primary lateral control system in any all-engine configuration(s) and at any speed or altitude within the approved operating envelope. It must also be shown that the airplane's flight characteristics are not impaired below a level needed to permit continued safe flight and the ability to maintain attitudes suitable for a controlled landing without exceeding the operational and structural limitations of the airplane. If a single failure of any one connecting or transmitting link in the lateral control system would also cause the loss of additional control system(s), compliance with the above requirement must be shown with those additional systems also assumed to be inoperative.

26. Section 23.149 is revised to read as follows:

§ 23.149 Minimum control speed.

(a) V_{MC} is the calibrated airspeed at which, when the critical engine is suddenly made inoperative, it is possible to maintain control of the airplane with that engine still inoperative, and thereafter maintain straight flight at the same speed with an angle of bank of not more than 5 degrees. The method used to simulate critical engine failure must represent the most critical mode of powerplant failure expected in service with respect to controllability.

(b) V_{MC} for takeoff must not exceed 1.2 V_{S1}, where V_{S1} is determined at the maximum takeoff weight. V_{MC} must be determined with the most unfavorable weight and center of gravity position and with the airplane airborne and the ground effect negligible, for the takeoff configuration(s) with—

(1) Maximum available takeoff power initially on each engine;

(2) The airplane trimmed for takeoff;

(3) Flaps in the takeoff position(s);

(4) Landing gear retracted; and

(5) All propeller controls in the recommended takeoff position throughout.

(c) For all airplanes except reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, the conditions of paragraph (a) of this section must also be met for the landing configuration with—

(1) Maximum available takeoff power initially on each engine;

(2) The airplane trimmed for an approach, with all engines operating, at V_{REF}, at an approach gradient equal to the steepest used in the landing distance demonstration of § 23.75;

(3) Flaps in the landing position;

(4) Landing gear extended; and

(5) All propeller controls in the position recommended for approach with all engines operating.

(d) A minimum speed to intentionally render the critical engine inoperative must be established and designated as the safe, intentional, one-engine-inoperative speed, V_{SSE}.

(e) At V_{MC}, the rudder pedal force required to maintain control must not exceed 150 pounds and it must not be necessary to reduce power of the operative engine(s). During the maneuver, the airplane must not assume any dangerous attitude and it must be possible to prevent a heading change of more than 20 degrees.

(f) At the option of the applicant, to comply with the requirements of § 23.51(c)(1), V_{MCG} may be determined. V_{MCG} is the minimum control speed on the ground, and is the calibrated airspeed during the takeoff run at which, when the critical engine is suddenly made inoperative, it is possible to maintain control of the airplane using the rudder control alone (without the use of nosewheel steering), as limited by 150 pounds of force, and using the lateral control to the extent of keeping the wings level to enable the takeoff to be safely continued. In the determination of V_{MCG}, assuming that the path of the airplane accelerating with all engines operating is along the centerline of the runway, its path from the point at which the critical engine is made inoperative to the point at which recovery to a direction parallel to the centerline is completed may not deviate more than 30 feet laterally from the centerline at any point. V_{MCG} must be established with—

(1) The airplane in each takeoff configuration or, at the option of the applicant, in the most critical takeoff configuration;

(2) Maximum available takeoff power on the operating engines;

(3) The most unfavorable center of gravity;

(4) The airplane trimmed for takeoff; and

(5) The most unfavorable weight in the range of takeoff weights.

27. Section 23.153 is revised to read as follows:

§ 23.153 Control during landings.

It must be possible, while in the landing configuration, to safely complete a landing without exceeding the one-hand control force limits specified in § 23.143(c) following an approach to land—

(a) At a speed of V_{REF} minus 5 knots;

(b) With the airplane in trim, or as nearly as possible in trim and without the trimming control being moved throughout the maneuver;

(c) At an approach gradient equal to the steepest used in the landing distance demonstration of § 23.75; and

(d) With only those power changes, if any, that would be made when landing normally from an approach at V_{REF}.

28. Section 23.155 is amended by revising the introductory text of paragraph (b) and paragraph (b)(1), and by adding a new paragraph (c) to read as follows:

§ 23.155 Elevator control force in maneuvers.

* * * * *

(b) The requirement of paragraph (a) of this section must be met at 75 percent of maximum continuous power for reciprocating engines, or the maximum continuous power for turbine engines, and with the wing flaps and landing gear retracted—

(1) In a turn, with the trim setting used for wings level flight at V_O; and

* * * * *

(c) There must be no excessive decrease in the gradient of the curve of stick force versus maneuvering load factor with increasing load factor.

29. Section 23.157 is amended by revising paragraph (d) to read as follows:

§ 23.157 Rate of roll.

* * * * *

(d) The requirement of paragraph (c) of this section must be met when rolling the airplane in each direction in the following conditions—

(1) Flaps in the landing position(s);

(2) Landing gear extended;

(3) All engines operating at the power for a 3 degree approach; and

(4) The airplane trimmed at V_{REF}.

30. Section 23.161 is amended by revising paragraphs (a), (b)(1), (b)(2), (c), the introductory text of paragraph (d), and (d)(4), and by adding a new paragraph (e) to read as follows:

§ 23.161 Trim.

(a) *General.* Each airplane must meet the trim requirements of this section after being trimmed and without further pressure upon, or movement of, the primary controls or their corresponding trim controls by the pilot or the automatic pilot. In addition, it must be possible, in other conditions of loading, configuration, speed and power to ensure that the pilot will not be unduly fatigued or distracted by the need to apply residual control forces exceeding those for prolonged application of

§ 23.143(c). This applies in normal operation of the airplane and, if applicable, to those conditions associated with the failure of one engine for which performance characteristics are established.

(b) * * *

(1) For normal, utility, and acrobatic category airplanes, at a speed of 0.9 V_H, V_C, or V_{MO}/M_O, whichever is lowest; and

(2) For commuter category airplanes, at all speeds from 1.4 V_{S1} to the lesser of V_H or V_{MO}/M_{MO}.

(c) *Longitudinal trim.* The airplane must maintain longitudinal trim under each of the following conditions:

(1) A climb with—

(i) Takeoff power, landing gear retracted, wing flaps in the takeoff position(s), at the speeds used in determining the climb performance required by § 23.65; and

(ii) Maximum continuous power at the speeds and in the configuration used in determining the climb performance required by § 23.69(a).

(2) Level flight at all speeds from the lesser of V_H and either V_{NO} or V_{MO}/M_{MO} (as appropriate), to 1.4 V_{S1}, with the landing gear and flaps retracted.

(3) A descent at V_{NO} or V_{MO}/M_{MO}, whichever is applicable, with power off and with the landing gear and flaps retracted.

(4) Approach with landing gear extended and with—

(i) A 3 degree angle of descent, with flaps retracted and at a speed of 1.4 V_{S1};

(ii) A 3 degree angle of descent, flaps in the landing position(s) at V_{REF}; and

(iii) An approach gradient equal to the steepest used in the landing distance demonstrations of § 23.75, flaps in the landing position(s) at V_{REF}.

(d) In addition, each multiple airplane must maintain longitudinal and directional trim, and the lateral control force must not exceed 5 pounds at the speed used in complying with § 23.67(a), (b)(2), or (c)(3), as appropriate, with—

* * * * *

(4) Wing flaps retracted; and

* * * * *

(e) In addition, each commuter category airplane for which, in the determination of the takeoff path in accordance with § 23.57, the climb in the takeoff configuration at V_2 extends beyond 400 feet above the takeoff surface, it must be possible to reduce the longitudinal and lateral control forces to 10 pounds and 5 pounds, respectively, and the directional control force must not exceed 50 pounds at V_2 with—

(1) The critical engine inoperative and its propeller in the minimum drag position;

(2) The remaining engine(s) at takeoff power;

(3) Landing gear retracted;

(4) Wing flaps in the takeoff position(s); and

(5) An angle of bank not exceeding 5 degrees.

31. Section 23.175 is revised to read as follows:

§ 23.175 Demonstration of static longitudinal stability.

Static longitudinal stability must be shown as follows:

(a) *Climb.* The stick force curve must have a stable slope at speeds between 85 and 115 percent of the trim speed, with—

(1) Flaps retracted;

(2) Landing gear retracted;

(3) Maximum continuous power; and

(4) The airplane trimmed at the speed used in determining the climb performance required by § 23.69(a).

(b) *Cruise.* With flaps and landing gear retracted and the airplane in trim with power for level flight at representative cruising speeds at high and low altitudes, including speeds up to V_{NO} or V_{MO}/M_{MO}, as appropriate, except that the speed need not exceed V_H—

(1) For normal, utility, and acrobatic category airplanes, the stick force curve must have a stable slope at all speeds within a range that is the greater of 15 percent of the trim speed plus the resulting free return speed range, or 40 knots plus the resulting free return speed range, above and below the trim speed, except that the slope need not be stable—

(i) At speeds less than 1.3 V_{S1}; or

(ii) For airplanes with V_{NE} established under § 23.1505(a), at speeds greater than V_{NE}; or

(iii) For airplanes with V_{MO}/M_{MO} established under § 23.1505(c), at speeds greater than V_{FC}/M_{FC}.

(2) For commuter category airplanes, the stick force curve must have a stable slope at all speeds within a range of 50 knots plus the resulting free return speed range, above and below the trim speed, except that the slope need not be stable—

(i) At speeds less than 1.4 V_{S1}; or

(ii) At speeds greater than V_{FC}/M_{FC}; or

(iii) At speeds that require a stick force greater than 50 pounds.

(c) *Landing.* The stick force curve must have a stable slope at speeds between 1.1 V_{S1} and 1.8 V_{S1} with—

(1) Flaps in the landing position;

(2) Landing gear extended; and

(3) The airplane trimmed at—

(i) V_{REF}, or the minimum trim speed if higher, with power off; and

(ii) V_{REF} with enough power to maintain a 3 degree angle of descent.

32. Section 23.177 is revised to read as follows:

§ 23.177 Static directional and lateral stability.

(a) The static directional stability, as shown by the tendency to recover from a wings level sideslip with the rudder free, must be positive for any landing gear and flap position appropriate to the takeoff, climb, cruise, approach, and landing configurations. This must be shown with symmetrical power up to maximum continuous power, and at speeds from 1.2 V_{S1} up to the maximum allowable speed for the condition being investigated. The angel of sideslip for these tests must be appropriate to the type of airplane. At larger angles of sideslip, up to that at which full rudder is used or a control force limit in § 23.143 is reached, whichever occurs first, and at speeds from 1.2 V_{S1} to V_O, the rudder pedal force must not reverse.

(b) The static lateral stability, as shown by the tendency to raise the low wing in a sideslip, must be positive for all landing gear and flap positions. This must be shown with symmetrical power up to 75 percent of maximum continuous power at speeds above 1.2 V_{S1} in the take off configuration(s) and at speeds above 1.3 V_{S1} in other configurations, up to the maximum allowable speed for the configuration being investigated, in the takeoff, climb, cruise, and approach configurations. For the landing configuration, the power must be that necessary to maintain a 3 degree angle of descent in coordinated flight. The static lateral stability must not be negative at 1.2 V_{S1} in the takeoff configuration, or at 1.3 V_{S1} in other configurations. The angle of sideslip for these tests must be appropriate to the type of airplane, but in no case may the constant heading sideslip angle be less than that obtainable with a 10 degree bank, or if less, the maximum bank angle obtainable with full rudder deflection or 150 pound rudder force.

(c) Paragraph (b) of this section does not apply to acrobatic category airplanes certificated for inverted flight.

(d) In straight, steady slips at 1.2 V_{S1} for any landing gear and flap positions, and for any symmetrical power conditions up to 50 percent of maximum continuous power, the aileron and rudder control movements and forces must increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased up to the maximum appropriate to the type of airplane. At larger slip angles, up to the angle at which full rudder or aileron control is used or a control force limit

contained in § 23.143 is reached, the aileron and rudder control movements and forces must not reverse as the angle of sideslip is increased. Rapid entry into, and recovery from, a maximum sideslip considered appropriate for the airplane must not result in uncontrollable flight characteristics.

33. Section 23.201 is revised to read as follows:

§ 23.201 Wings level stall.

(a) It must be possible to produce and to correct roll by unreversed use of the rolling control and to produce and to correct yaw by unreversed use of the directional control, up to the time the airplane stalls.

(b) The wings level stall characteristics must be demonstrated in flight as follows. Starting from a speed at least 10 knots above the stall speed, the elevator control must be pulled back so that the rate of speed reduction will not exceed one knot per second until a stall is produced, as shown by either:

(1) An uncontrollable downward pitching motion of the airplane;

(2) A downward pitching motion of the airplane that results from the activation of a stall avoidance device (for example, stick pusher); or

(3) The control reaching the stop.

(c) Normal use of elevator control for recovery is allowed after the downward pitching motion of paragraphs (b)(1) or (b)(2) of this section has unmistakably been produced, or after the control has been held against the stop for not less than the longer of two seconds or the time employed in the minimum steady slight speed determination of § 23.49.

(d) During the entry into and the recovery from the maneuver, it must be possible to prevent more than 15 degrees of roll or yaw by the normal use of controls.

(e) Compliance with the requirements of this section must be shown under the following conditions:

(1) *Wing flaps.* Retracted, fully extended, and each intermediate normal operating position.

(2) *Landing gear.* Retracted and extended.

(3) *Cowl flaps.* Appropriate to configuration.

(4) *Power:*

(i) Power off; and

(ii) 75 percent of maximum continuous power. However, if the power-to-weight ratio at 75 percent of maximum continuous power result in extreme nose-up attitudes, the test may be carried out with the power required for level flight in the landing configuration at maximum landing weight and a speed of 1.4 V_{SO}, except that the power may not be less than 50 percent of maximum continuous power.

(5) *Trim.* The airplane trimmed at a speed as near 1.5 V_{S1} as practicable.

(6) *Propeller.* Full increase r.p.m. position for the power off condition.

34. Section 23.203 is amended by revising the section heading and introductory text, paragraph (a), the introductory text of paragraph (b), paragraphs (b)(4) and (b)(5), the introductory text of paragraph (c), and paragraphs (c)(1) and (c)(4), and by adding new paragraphs (b)(6) and (c)(6) to read as follows:

§ 23.203 Turning flight and accelerated turning stalls.

Turning flight and accelerated turning stalls must be demonstrated in tests as follows:

(a) Establish and maintain a coordinated turn in a 30 degree bank. Reduce speed by steadily and progressively tightening the turn with the elevator until the airplane is stalled, as defined in § 23.201(b). The rate of speed reduction must be constant, and—

(1) For a turning flight stall, may not exceed one knot per second; and

(2) For an accelerated turning stall, be 3 to 5 knots per second with steadily increasing normal acceleration.

(b) After the airplane has stalled, as defined in § 23.201(b), it must be possible to regain wings level flight by normal use of the flight controls, but without increasing power and without—

* * * * *

(4) Exceeding a bank angle of 60 degrees in the original direction of the turn or 30 degrees in the opposite direction in the case of turning flight stalls;

(5) Exceeding a bank angle of 90 degrees in the original direction of the turn or 60 degrees in the opposite direction in the case of accelerated turning stalls; and

(6) Exceeding the maximum permissible speed or allowable limit load factor.

(c) Compliance with the requirements of this section must be shown under the following conditions:

(1) *Wing flaps:* Retracted, fully extended, and each intermediate normal operating position;

* * * * *

(4) *Power:*

(i) Power off; and

(ii) 75 percent of maximum continuous power. However, if the power-to-weight ratio at 75 percent of maximum continuous power results in extreme nose-up attitudes, the test may be carried out with the power required for level flight in the landing configuration at maximum landing weight and a speed of 1.4 V_{SO}, except that the power may not be less than 50 percent of maximum continuous power.

* * * * *

(6) *Propeller.* Full increase rpm position for the power off condition.

§ 23.205 [Removed]

35. Section 23.205 is removed.

36. Section 23.207 is amended by revising paragraphs (c) and (d), and by adding new paragraphs (e) and (f) to read as follows:

§ 23.207 Stall warning.

* * * * *

(c) During the stall tests required by § 23.201(b) and § 23.203(a)(1), the stall warning must begin at a speed exceeding the stalling speed by a margin of not less than 5 knots and must continue until the stall occurs.

(d) When following procedures furnished in accordance with § 23.1585, the stall warning must not occur during a takeoff with all engines operating, a takeoff continued with one engine inoperative, or during an approach to landing.

(e) During the stall tests required by § 23.203(a)(2), the stall warning must begin sufficiently in advance of the stall for the stall to be averted by pilot action taken after the stall warning first occurs.

(f) For acrobatic category airplanes, an artificial stall warning may be mutable, provided that it is armed automatically during takeoff and rearmed automatically in the approach configuration.

37. Section 23.221 is revised to read as follows:

§ 23.221 Spinning.

(a) *Normal category airplanes.* A single-engine, normal category airplane must be able to recover from a one-turn spin or a three-second spin, whichever takes longer, in not more than one additional turn after initiation of the first control action for recovery, or demonstrate compliance with the optional spin resistant requirements of this section.

(1) The following apply to one turn or three second spins:

(i) For both the flaps-retracted and flaps-extended conditions, the applicable airspeed limit and positive limit maneuvering load factor must not be exceeded;

(ii) No control forces or characteristic encountered during the spin or recovery may adversely affect prompt recovery;

(iii) It must be impossible to obtain unrecoverable spins with any use of the flight or engine power controls either at the entry into or during the spin; and

(iv) For the flaps-extended condition, the flaps may be retracted during the

recovery but not before rotation has ceased.

(2) At the applicant's option, the airplane may be demonstrated to be spin resistant by the following:

(i) During the stall maneuver contained in § 23.201, the pitch control must be pulled back and held against the stop. Then, using ailerons and rudders in the proper direction, it must be possible to maintain wings-level flight within 15 degrees of bank and to roll the airplane from a 30 degree bank in one direction to a 30 degree bank in the other direction;

(ii) Reduce the airplane speed using pitch control at a rate of approximately one knot per second until the pitch control reaches the stop; then, with the pitch control pulled back and held against the stop, apply full rudder control in a manner to promote spin entry for a period of seven seconds or through a 360 degree heading change, whichever occurs first. If the 360 degree heading change is reached first, it must have taken no fewer than four seconds. This maneuver must be performed first with the ailerons in the neutral position, and then with the ailerons deflected opposite the direction of turn in the most adverse manner. Power and airplane configuration must be set in accordance with § 23.201(e) without change during the maneuver. At the end of seven seconds or a 360 degree heading change, the airplane must respond immediately and normally to primary flight controls applied to regain coordinated, unstalled flight without reversal of control effect and without exceeding the temporary control forces specified by § 23.143(c); and

(iii) Compliance with §§ 23.201 and 23.203 must be demonstrated with the airplane in uncoordinated flight, corresponding to one ball width displacement on a slip-skid indicator, unless one ball width displacement cannot be obtained with full rudder, in which case the demonstration must be with full rudder applied.

(b) *Utility category airplanes.* A utility category airplane must meet the requirements of paragraph (a) of this section. In addition, the requirements of paragraph (c) of this section and § 23.807(b)(7) must be met if approval for spinning is requested.

(c) *Acrobatic category airplanes.* An acrobatic category airplane must meet the spin requirements of paragraph (a) of this section and § 23.807(b)(6). In addition, the following requirements must be met in each configuration for which approval for spinning is requested:

(1) The airplane must recover from any point in a spin up to and including six turns, or any greater number of turns for which certification is requested, in not more than one and one-half additional turns after initiation of the first control action for recovery. However, beyond three turns, the spin may be discontinued if spiral characteristics appear.

(2) The applicable airspeed limits and limit maneuvering load factors must not be exceeded. For flaps-extended configurations for which approval is requested, the flaps must not be retracted during the recovery.

(3) It must be impossible to obtain unrecoverable spins with any use of the flight or engine power controls either at the entry into or during the spin.

(4) There must be no characteristics during the spin (such as excessive rates of rotation or extreme oscillatory motion) that might prevent a successful recovery due to disorientation or incapacitation of the pilot.

38. Section 23.233(a) is revised to read as follows:

§ 23.233 Directional stability and control.

(a) A 90 degree cross-component of wind velocity, demonstrated to be safe for taxiing, takeoff, and landing must be established and must be not less than 0.2 V_{SO}.

* * * * *

39. Section 23.235 is revised to read as follows:

§ 23.235 Operation on unpaved surfaces.

The airplane must be demonstrated to have satisfactory characteristics and the shock-absorbing mechanism must not damage the structure of the airplane when the airplane is taxied on the roughest ground that may reasonably be expected in normal operation and when takeoffs and landings are performed on unpaved runways having the roughest surface that may reasonably be expected in normal operation.

40. A new § 23.237 is added to read as follows:

§ 23.237 Operation on water.

A wave height, demonstrated to be safe for operation, and any necessary water handling procedures for seaplanes and amphibians must be established.

§ 23.253 [Amended]

41. Section 23.253 is amended by removing paragraph (b)(1) and by redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(1) and (b)(2), respectively.

42. Section 23.562(d) introductory text is revised to read as follows:

§ 23.562 Emergency landing dynamic conditions.

* * * * *

(d) For all single-engine airplanes with a V_{SO} of more than 61 knots at maximum weight, and those multiengine airplanes of 6,000 pounds or less maximum weight with a V_{SO} of more than 61 knots at maximum weight that do not comply with § 23.67(a)(1);

* * * * *

43. Section 23.1325 is amended by revising paragraph (e), by removing and reserving paragraph (f) to read as follows:

§ 23.1325 Static pressure system.

* * * * *

(e) Each static pressure system must be calibrated in flight to determine the system error. The system error, in indicated pressure altitude, at sea-level, with a standard atmosphere, excluding instrument calibration error, may not exceed ±30 feet per 100 knot speed for the appropriate configuration in the speed range between 1.3 V_{S0} with flaps extended, and 1.8 V_{S1} with flaps retracted. However, the error need not be less than 30 feet.

(f) [Reserved]

* * * * *

44. Section 23.1511 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 23.1511 Flap extended speed.

(a) * * *

(1) Not less than the minimum value of V_F allowed in § 23.345(b); and

(2) Not more than V_F established under § 23.345(a), (c), and (d).

* * * * *

45. Section 23.1521 is amended by revising paragraphs (b)(5) and (e) to read as follows:

§ 23.1521 Powerplant limitations.

* * * * *

(b) * * *

(5) The maximum allowable cylinder head (as applicable), liquid coolant and oil temperatures.

* * * * *

(e) *Ambient temperature.* For all airplanes except reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, ambient temperature limitations (including limitations for winterization installations if applicable) must be established as the maximum ambient atmospheric temperature at which compliance with the cooling provisions of §§ 23.1041 through 23.1047 is shown.

46. Section 23.1543(c) is added to read as follows:

§ 23.1543 Instrument markings: General.

* * * * *

(c) All related instruments must be calibrated in compatible units.

47. Section 23.1545 is amended by revising paragraphs (b)(5) and (b)(6) to read as follows:

§ 23.1545 Airspeed indicator.

* * * * *

(b) * * *

(5) For reciprocating multiengine-powered airplanes of 6,000 pounds or less maximum weight, for the speed at which compliance has been shown with § 23.69(b) relating to rate of climb at maximum weight and at sea level, a blue radial line.

(6) For reciprocating multiengine-powered airplanes of 6,000 pounds or less maximum weight, for the maximum value of minimum control speed, V_{MC}, (one-engine-inoperative) determined under § 23.149(b), a red radial line.

* * * * *

48. Section 23.1553 is revised to read as follows:

§ 23.1553 Fuel quantity indicator.

A red radial line must be marked on each indicator at the calibrated zero reading, as specified in § 23.1337(b)(1).

49. Section 23.1555(e)(2) is revised to read as follows:

§ 23.1555 Control markings.

* * * * *

(e) * * *

(2) Each emergency control must be red and must be marked as to method of operation. No control other than an emergency control, or a control that serves an emergency function in addition to its other functions, shall be this color.

50. Section 23.1559 is revised to read as follows:

§ 23.1559 Operating limitations placard.

(a) There must be a placard in clear view of the pilot stating—

(1) That the airplane must be operated in accordance with the Airplane Flight Manual; and

(2) The certification category of the airplane to which the placards apply.

(b) For airplanes certificated in more than one category, there must be a placard in clear view of the pilot stating that other limitations are contained in the Airplane Flight Manual.

(c) There must be a placard in clear view of the pilot that specifies the kind of operations to which the operation of the airplane is limited or from which it is prohibited under § 23.1525.

51. Section 23.1563(c) is added to read as follows:

§ 23.1563 Airspeed placards.

* * * * *

(c) For reciprocating multiengine-powered airplanes of more than 6,000 pounds maximum weight, and turbine engine-powered airplanes, the maximum value of the minimum control speed, V_{MC} (one-engine-inoperative) determined under § 23.149(b).

52. Section 23.1567(d) is added to read as follows:

§ 23.1567 Flight maneuver placard.

* * * * *

(d) For acrobatic category airplanes and utility category airplanes approved for spinning, there must be a placard in clear view of the pilot—

(1) Listing the control actions for recovery from spinning maneuvers; and

(2) Stating that recovery must be initiated when spiral characteristics appear, or after not more than six turns or not more than any greater number of turns for which the airplane has been certificated.

53. Section 23.1581 is amended by adding new paragraphs (a)(3) and (c), and by revising the introductory text of paragraph (b)(2) and paragraph (d) to read as follows:

§ 23.1581 General.

(a) * * *

(3) Further information necessary to comply with the relevant operating rules.

(b) * * *

(2) The requirements of paragraph (b)(1) of this section do not apply to reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, if the following is met:

* * * * *

(c) The units used in the Airplane Flight Manual must be the same as those marked on the appropriate instruments and placards.

(d) All Airplane Flight Manual operational airspeeds, unless otherwise specified, must be presented as indicated airspeeds.

* * * * *

54. Section 23.1583 is amended by revising the introductory text, and paragraphs (a)(3) introductory text, (a)(3)(i), (c)(3), (c)(4), (d), (e), (f), and (g); by redesignating paragraphs (k), (l), and (m) as paragraphs (i), (j), and (k), respectively, and revising them; and by adding new paragraphs (c)(5), (c)(6), (l), (m), (n), (o), and (p) to read as follows:

§ 23.1583 Operating limitations.

The Airplane Flight Manual must contain operating limitations determined under this part 23, including the following—

(a) * * *

(3) In addition, for turbine powered commuter category airplanes—

(i) The maximum operating limit speed, V_{MO}/M_{MO} and a statement that this speed must not be deliberately exceeded in any regime of flight (climb, cruise or descent) unless a higher speed is authorized for flight test or pilot training;

* * * * *

(c) * * *

(3) For normal, utility, and acrobatic category reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and for turbine engine-powered airplanes in the normal, utility, and acrobatic category, performance operating limitations as follows—

(i) The maximum takeoff weight for each airport altitude and ambient temperature within the range selected by the applicant at which the airplane complies with the climb requirements of § 23.63(c)(1).

(ii) The maximum landing weight for each airport altitude and ambient temperature within the range selected by the applicant at which the airplane complies with the climb requirements of § 23.63(c)(2).

(4) For commuter category airplanes, the maximum takeoff weight for each airport altitude and ambient temperature within the range selected by the applicant at which—

(i) The airplane complies with the climb requirements of § 23.63(d)(1); and

(ii) The accelerate-stop distance determined under § 23.55 is equal to the available runway length plus the length of any stopway, if utilized; and either:

(iii) The takeoff distance determined under § 23.59(a) is equal to the available runway length; or

(iv) At the option of the applicant, the takeoff distance determined under § 23.59(a) is equal to the available runway length plus the length of any clearway and the takeoff run determined under § 23.59(b) is equal to the available runway length.

(5) For commuter category airplanes, the maximum landing weight for each airport altitude within the range selected by the applicant at which—

(i) The airplane complies with the climb requirements of § 23.63(d)(2) for ambient temperatures within the range selected by the applicant; and

(ii) The landing distance determined under § 23.75 for standard temperatures is equal to the available runway length.

(6) The maximum zero wing fuel weight, where relevant, as established in accordance with § 23.343.

(d) *Center of gravity.* The established center of gravity limits.

(e) *Maneuvers.* The following authorized maneuvers, appropriate airspeed limitations, and unauthorized maneuvers, as prescribed in this section.

(1) *Normal category airplanes.* No acrobatic maneuvers, including spins, are authorized.

(2) *Utility category airplanes.* A list of authorized maneuvers demonstrated in the type flight tests, together with recommended entry speeds and any other associated limitations. No other maneuver is authorized.

(3) *Acrobatic category airplanes.* A list of approved flight maneuvers demonstrated in the type flight tests, together with recommended entry speeds and any other associated limitations.

(4) *Acrobatic category airplanes and utility category airplanes approved for spinning.* Spin recovery procedure established to show compliance with § 23.221(c).

(5) *Commuter category airplanes.* Maneuvers are limited to any maneuver incident to normal flying, stalls, (except whip stalls) and steep turns in which the angle of bank is not more than 60 degrees.

(f) *Maneuver load factor.* The positive limit load factors in g's, and, in addition, the negative limit load factor for acrobatic category airplanes.

(g) *Minimum flight crew.* The number and functions of the minimum flight crew determined under § 23.1523.

* * * * *

(i) *Maximum operating altitude.* The maximum altitude established under § 23.1527.

(j) *Maximum passenger seating configuration.* The maximum passenger seating configuration.

(k) *Allowable lateral fuel loading.* The maximum allowable lateral fuel loading differential, if less than the maximum possible.

(l) *Baggage and cargo loading.* The following information for each baggage and cargo compartment or zone—

(1) The maximum allowable load; and

(2) The maximum intensity of loading.

(m) *Systems.* Any limitations on the use of airplane systems and equipment.

(n) *Ambient temperatures.* Where appropriate, maximum and minimum ambient air temperatures for operation.

(o) *Smoking.* Any restrictions on smoking in the airplane.

(p) *Types of surface.* A statement of the types of surface on which operations may be conducted. (See § 23.45(g) and § 23.1587 (a)(4), (c)(2), and (d)(4)).

55. Section 23.1585 is revised to read as follows:

§ 23.1585 Operating procedures.

(a) For all airplanes, information concerning normal, abnormal (if applicable), and emergency procedures and other pertinent information necessary for safe operation and the achievement of the scheduled performance must be furnished, including—

(1) An explanation of significant or unusual flight or ground handling characteristics;

(2) The maximum demonstrated values of crosswind for takeoff and landing, and procedures and information pertinent to operations in crosswinds;

(3) A recommended speed for flight in rough air. This speed must be chosen to protect against the occurrence, as a result of gusts, of structural damage to the airplane and loss of control (for example, stalling);

(4) Procedures for restarting any turbine engine in flight, including the effects of altitude; and

(5) Procedures, speeds, and configuration(s) for making a normal approach and landing, in accordance with §§ 23.73 and 23.75, and a transition to the balked landing condition.

(6) For seaplanes and amphibians, water handling procedures and the demonstrated wave height.

(b) In addition to paragraph (a) of this section, for all single-engine airplanes, the procedures, speeds, and configuration(s) for a glide following engine failure, in accordance with § 23.71 and the subsequent forced landing, must be furnished.

(c) In addition to paragraph (a) of this section, for all multiengine airplanes, the following information must be furnished:

(1) Procedures, speeds, and configuration(s) for making an approach and landing with one engine inoperative;

(2) Procedures, speeds, and configuration(s) for making a balked landing with one engine inoperative and the conditions under which a balked landing can be performed safely, or a warning against attempting a balked landing;

(3) The V_{SSE} determined in § 23.149; and

(4) Procedures for restarting any engine in flight including the effects of altitude.

(d) In addition to paragraphs (a) and either (b) or (c) of this section, as appropriate, for all normal, utility, and acrobatic category airplanes, the following information must be furnished:

(1) Procedures, speeds, and configuration(s) for making a normal takeoff, in accordance with § 23.51 (a) and (b), and § 23.53 (a) and (b), and the subsequent climb, in accordance with § 23.65 and § 23.69(a).

(2) Procedures for abandoning a takeoff due to engine failure or other cause.

(e) In addition to paragraphs (a), (c), and (d) of this section, for all normal, utility, and acrobatic category multiengine airplanes, the information must include the following:

(1) Procedures and speeds for continuing a takeoff following engine failure and the conditions under which takeoff can safely be continued, or a warning against attempting to continue the takeoff.

(2) Procedures, speeds, and configurations for continuing a climb following engine failure, after takeoff, in accordance with § 23.67, or enroute, in accordance with § 23.69(b).

(f) In addition to paragraphs (a) and (c) of this section, for commuter category airplanes, the information must include the following:

(1) Procedures, speeds, and configuration(s) for making a normal takeoff.

(2) Procedures and speeds for carrying out an accelerate-stop in accordance with § 23.55.

(3) Procedures and speeds for continuing a takeoff following engine failure in accordance with § 23.59(a)(1) and for following the flight path determined under § 23.57 and § 23.61(a).

(g) For multiengine airplanes, information identifying each operating condition in which the fuel system independence prescribed in § 23.953 is necessary for safety must be furnished, together with instructions for placing the fuel system in a configuration used to show compliance with that section.

(h) For each airplane showing compliance with § 23.1353 (g)(2) or (g)(3), the operating procedures for disconnecting the battery from its charging source must be furnished.

(i) Information on the total quantity of usable fuel for each fuel tank, and the effect on the usable fuel quantity, as a result of a failure of any pump, must be furnished.

(j) Procedures for the safe operation of the airplane's systems and equipment, both in normal use and in the event of malfunction, must be furnished.

56. Section 23.1587 is revised to read as follows:

§ 23.1587 Performance information.

Unless otherwise prescribed, performance information must be provided over the altitude and temperature ranges required by § 23.45(b).

(a) For all airplanes, the following information must be furnished—

(1) The stalling speeds V_{SO} and V_{S1} with the landing gear and wing flaps

retracted, determined at maximum weight under § 23.49, and the effect on these stalling speeds of angles of bank up to 60 degrees;

(2) The steady rate and gradient of climb with all engines operating, determined under § 23.69(a);

(3) The landing distance, determined under § 23.75 for each airport altitude and standard temperature, and the type of surface for which it is valid;

(4) The effect on landing distances of operation on other than smooth hard surfaces, when dry, determined under § 23.45(g); and

(5) The effect on landing distances of runway slope and 50 percent of the headwind component and 150 percent of the tailwind component.

(b) In addition to paragraph (a) of this section, for all normal, utility, and acrobatic category reciprocating engine-powered airplanes of 6,000 pounds or less maximum weight, the steady angle of climb/descent, determined under § 23.77(a), must be furnished.

(c) In addition to paragraphs (a) and (b) of this section, if appropriate, for normal, utility, and acrobatic category airplanes, the following information must be furnished—

(1) The takeoff distance, determined under § 23.53 and the type of surface for which it is valid.

(2) The effect on takeoff distance of operation on other than smooth hard surfaces, when dry, determined under § 23.45(g);

(3) The effect on takeoff distance of runway slope and 50 percent of the headwind component and 150 percent of the tailwind component;

(4) For multiengine reciprocating engine-powered airplanes of more than 6,000 pounds maximum weight and multiengine turbine powered airplanes, the one-engine-inoperative takeoff climb/descent gradient, determined under § 23.66;

(5) For multiengine airplanes, the enroute rate and gradient of climb/descent with one engine inoperative, determined under § 23.69(b); and

(6) For single-engine airplanes, the glide performance determined under § 23.71.

(d) In addition to paragraph (a) of this section, for commuter category airplanes, the following information must be furnished—

(1) The accelerate-stop distance determined under § 23.55;

(2) The takeoff distance determined under § 23.59(a);

(3) At the option of the applicant, the takeoff run determined under § 23.59(b);

(4) The effect on accelerate-stop distance, takeoff distance and, if determined, takeoff run, of operation on other than smooth hard surfaces, when dry, determined under § 23.45(g);

(5) The effect on accelerate-stop distance, takeoff distance, and if determined, takeoff run, of runway slope and 50 percent of the headwind component and 150 percent of the tailwind component;

(6) The net takeoff flight path determined under § 23.61(b);

(7) The enroute gradient of climb/descent with one engine inoperative, determined under § 23.69(b);

(8) The effect, on the net takeoff flight path and on the enroute gradient of climb/descent with one engine inoperative, of 50 percent of the headwind component and 150 percent of the tailwind component;

(9) Overweight landing performance information (determined by extrapolation and computed for the range of weights between the maximum landing and maximum takeoff weights) as follows—

(i) The maximum weight for each airport altitude and ambient temperature at which the airplane complies with the climb requirements of § 23.63(d)(2); and

(ii) The landing distance determined under § 23.75 for each airport altitude and standard temperature.

(10) The relationship between IAS and CAS determined in accordance with § 23.1323 (b) and (c).

(11) The altimeter system calibration required by § 23.1325(e).

57. Section 23.1589(b) is revised to read as follows:

§ 23.1589 Loading information.

* * * * *

(b) Appropriate loading instructions for each possible loading condition between the maximum and minimum weights established under § 23.25, to facilitate the center of gravity remaining within the limits established under § 23.23.

Appendix E to Part 23 [Removed and Reserved]

58. Appendix E to Part 23 is removed and reserved.

Issued in Washington, DC, on January 29, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–2082 Filed 2–8–96; 8:45 am]

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Federal Register

Friday
February 9, 1996

Part IV

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 0, et al.
General HUD Program Requirements; Cross-Cutting Requirements; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 0, 4, 5, 8, 12, 15, 16, 17, 27, 28, 30, 35, 40, 51, 52, 91, 92, 100, 103, 104, 107, 109, 110, 111, 125, 135, 146, 200, 201, 203, 206, 213, 215, 219, 220, 221, 231, 232, 234, 235, 236, 237, 248, 260, 261, 265, 280, 290, 291, 511, 570, 572, 574, 576, 582, 583, 585, 590, 594, 597, 700, 750, 760, 791, 792, 799, 811, 813, 850, 880, 881, 882, 883, 884, 885, 886, 887, 889, 890, 899, 901, 904, 913, 941, 942, 945, 960, 961, 962, 963, 964, 965, 968, 999, 3280, 3282, and Chapters XI and XV

[Docket No. FR–3940–F–01]

RIN 2501–AC02

General HUD Program Requirements: Cross-Cutting Requirements

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: To eliminate redundancy in several HUD program regulations which repeat requirements that are applicable to two or more HUD programs, this final rule establishes a new part 5 that will contain: Definitions that are commonly found in many HUD program regulations; the list of other Federal requirements that are generally applicable to most HUD programs; and waiver authority (i.e., authority to waive regulatory provisions). The consolidation of the above-noted provisions in a single part will present uniformity, and assist program participants in identifying those requirements that cut across several of the HUD programs.

Furthermore, this final rule amends 24 CFR part 40 to conform to HUD's recently published rule eliminating obsolete or unnecessary parts and subparts from title 24 of the Code of Federal Regulations.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: Camille E. Acevedo, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–3055. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–9300 or 1–800–877–8399 (Federal Information Relay Service TDD). (Other than the ''800'' number, these are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background.

A. Consolidation of HUD Program Requirements

President Clinton's March 4, 1995 memorandum, *Regulatory Reinvention,* directed the heads of the Federal departments and agencies to review all existing regulations and to eliminate those requirements found to be obsolete or unnecessary. The department and agency chiefs were further directed to revise other regulations to increase flexibility and reduce regulatory burden.

HUD's page-by-page review evidenced that there are several requirements that are applicable to several HUD funded programs. To eliminate redundancy in the program regulations that repeat requirements, and to assist program participants in identifying requirements and procedures that are uniform in many HUD programs, this final rule creates a new part 5 containing: (1) Definitions that are used generally in HUD programs; (2) the list of other Federal requirements; and (3) waiver authority (i.e., authority to waive regulatory provisions). This final rule also amends HUD's program regulations that contain these common definitions or Federal requirements to remove these definitions and Federal requirements from these individual regulations and provide a cross-reference to part 5. Definitions or Federal requirements used only in a particular program, or common definitions defined differently for a particular program, will remain in the program regulations. The Department believes that placing common definitions and those Federal requirements generally applicable to several HUD programs in a new part 5 simplifies the structure of HUD's regulations by removing duplicative regulations, and also allows the user to determine which definitions are common to many HUD programs and which Federal requirements are considered cross-cutting requirements.

The general waiver provision established by this final rule permits the Secretary of HUD, upon a finding of good cause, to waive any non-statutory requirement in title 24. Currently, several program regulations authorize waivers only if the Secretary determines that application of the regulatory requirements will result in ''undue hardship'' to program participants and have an ''adverse effect'' on the purposes of the program. Although the waiver provision of part 5 uses a ''good cause'' standard, this final rule does not represent a change in policy. ''Undue hardship'' and ''adverse effect'' are merely subcategories of ''good cause.'' Accordingly, this final rule will not alter the criteria the Secretary currently uses to make waiver determinations.

B. Conforming Amendment to Part 40

On September 11, 1995 (60 FR 47260), HUD published a final rule eliminating obsolete parts and codified guidance from title 24 of the Code of Federal Regulations. Among the guidance eliminated by the September 11, 1995 rule was appendix A to part 40, which codified the Accessibility Standards for Publicly Owned Residential Structures. Since the guidelines are easily obtainable elsewhere, codification in title 24 was unnecessary. This final rule creates a new § 40.7 which informs readers where they may obtain a copy of the accessibility guidelines.

C. Additional Consolidations To Be Included in Part 5

HUD intends future rulemakings that will amend part 5 to include other program requirements that are found in several programs regulations and that would benefit by having the requirements consolidated and set forth in part 5.

II. Justification for Final Rulemaking

It is HUD's policy to publish rules for public comment before their issuance for effect, in accordance with its own regulations on rulemaking found at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted if HUD determines that it is ''impracticable, unnecessary, or contrary to the public interest'' (24 CFR 10.1). HUD finds that in this case prior public comment is unnecessary because the consolidation of frequently repeated definitions and program requirements does not affect or establish policy. This final rule does not establish or eliminate program requirements. Rather, in order to eliminate redundancy, this rule relocates these generally applicable requirements to a new part in title 24 of the CFR.

III. Other Matters

A. 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, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk. Office of General Counsel, Department of Housing and Urban

Development, Room 10276, 451 Seventh Street, SW, Washington, DC 20410.

B. 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 final rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, this rule merely consolidates requirements applicable to all or most HUD programs in a single part. It effects no changes in the current relationships between the Federal government, the States and their political subdivisions in connection with these programs.

C. Executive Order 12606, the Family

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

D. 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 final rule merely establishes a new part for frequently repeated program requirements, and will not have any meaningful economic impact on any entity.

List of Subjects

24 CFR Part 0

Administrative practice and procedure, Conflict of interests.

24 CFR Part 4

Administrative practice and procedure, Government employees, Grant programs—housing and community development, Investigations, Loan programs—housing and community development, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 5

Administrative practice and procedure.

24 CFR Part 8

Administrative practice and procedure, Civil rights, Equal employment opportunity, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 12

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 15

Classified information, Courts, Freedom of information, Government employees, Reporting and recordkeeping requirements.

24 CFR Part 16

Privacy.

24 CFR Part 17

Administrative practice and procedure, Claims, Government employees, Income taxes, Wages.

24 CFR Part 27

Administrative practice and procedure, Loan programs—housing and community development.

24 CFR Part 28

Administrative practice and procedure, Claims, Fraud, Penalties.

24 CFR Part 30

Administrative practice and procedure, Grant programs—housing and community development, Loan programs—housing and community development, Mortgages, Penalties.

24 CFR Part 35

Grant programs—housing and community development, Lead poisoning, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 40

Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 51

Environmental protection, Airports, Hazardous substances, Housing standards, Noise control.

24 CFR Part 52

Intergovernmental relations.

24 CFR Part 91

Aged, Grant programs—housing and community development, Homeless, Individuals with disabilities, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 92

Administrative practice and procedure, Grant programs—housing and community development, Grant programs—Indians, Indians, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 100

Aged, Fair housing, Individuals with disabilities, Mortgages, Reporting and recordkeeping requirements.

24 CFR Part 103

Administrative practice and procedure, Aged, Fair housing, Individuals with disabilities, Intergovernmental relations, Investigations, Mortgages, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 104

Administrative practice and procedure, Aged, Fair housing, Individuals with disabilities, Mortgages, Penalties.

24 CFR Part 107

Administrative practice and procedure, Fair housing, Grant programs—housing and community development, Loan programs—housing and community development, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

24 CFR Part 109

Administrative practice and procedure, Equal employment opportunity, Government contracts, Housing, Reporting and recordkeeping requirements.

24 CFR Part 110

Aged, Fair housing, Individuals with disabilities, Mortgages, Signs and symbols.

24 CFR Part 111

Fair housing, Grant programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 125

Fair housing, Grant programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 135

Administrative practice and procedure, Community development, Equal employment opportunity, Government contracts, Grant programs—housing and community development, Housing, Loan programs—housing and community development, Reporting and recordkeeping requirements, Small businesses.

24 CFR Part 146

Administrative practice and procedure, Aged, Civil rights, Grant programs—housing and community development, Loan programs—housing and community development, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 201

Health facilities, Historic preservation, Home improvement, Loan programs—housing and community development, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 206

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 213

Cooperatives, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 215

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 219

Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 220

Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 221

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

24 CFR Part 231

Aged, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Reporting and recordkeeping requirements.

24 CFR Part 234

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 235

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

24 CFR Part 236

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

24 CFR Part 237

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance.

24 CFR Part 248

Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 260

Grant programs—housing and community development, Low and moderate income housing.

24 CFR Part 261

Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 265

Mortgage insurance.

24 CFR Part 280

Community development, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 290

Low and moderate income housing, Mortgage insurance.

24 CFR Part 291

Community facilities, Conflict of interests, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

24 CFR Part 511

Administrative practice and procedure, Grant programs—housing and community development, Lead poisoning, Low and moderate income housing, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

24 CFR Part 572

Condominiums, Cooperatives, Fair housing, Government property, Grant programs—housing and community development, Low and moderate income housing, Nonprofit organizations, Reporting and recordkeeping requirements.

24 CFR Part 574

AIDS, Community facilities, Disabled, Emergency shelter, Grant programs—health programs, Grant programs—housing and community development, Grant programs—social programs, Homeless, Housing, Low and moderate income housing, Nonprofit organizations, Rent subsidies, Reporting and recordkeeping requirements, Technical assistance.

24 CFR Part 576

Community facilities, Emergency shelter grants, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 582

Homeless, Rent subsidies, Reporting and recordkeeping requirements, Supportive housing programs—housing and community development, Supportive services.

24 CFR Part 583

Homeless, Rent subsidies, Reporting and recordkeeping requirements, Supportive housing programs—housing and community development, Supportive services.

24 CFR Part 585

Grant programs—housing and community development, Homeless, Low and very low-income families, Reporting and recordkeeping requirements.

24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 594

Community development, Grant programs—housing and community development, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 597

Community development, Empowerment zones, Enterprise communities, Economic development, Housing, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Urban renewal.

24 CFR Part 700

Aged, Grant programs—housing and community development, Individuals with disabilities, Low and moderate income housing, Nutrition, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Supportive services.

24 CFR Part 750

Grant programs—housing and community development, Indians, Intergovernmental relations, Loan programs—housing and community development, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social Security.

24 CFR Part 760

Grant programs—housing and community development, Income verification procedures, Indians, Intergovernmental relations, Loan programs—housing and community development, Penalties, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Wages.

24 CFR Part 791

Grant programs—housing and community development, Indians, Intergovernmental relations, Public housing, Rent subsidies.

24 CFR Part 792

Fraud, Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 799

Grant programs—housing and community development, Indians, Intergovernmental relations, Public housing, Rent subsidies.

24 CFR Part 811

Public housing, Securities, Taxes.

24 CFR Part 813

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 850

Grant programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 880

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 881

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 882

Grant programs—housing and community development, Homeless, Lead poisoning, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

24 CFR Part 885

Aged, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 887

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 889

Aged, Capital advance programs, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 890

Civil rights, Grant programs—housing and community development, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Mental health programs, Reporting and recordkeeping requirements.

24 CFR Part 899

Grant programs—housing and community development, Low and moderate income housing, Rent subsidies.

24 CFR Parts 901

Administrative practice and procedure, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 904

Grant programs—housing and community development, Loan

programs—housing and community development, Public housing.

24 CFR Part 913

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 941

Grant programs—housing and community development, Loan programs—housing and community development, Public housing.

24 CFR Part 942

Aged, Grant programs—housing and community development, Individuals with disabilities, Pets, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 945

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 960

Aged, Grant programs—housing and community development, Individuals with disabilities, Public housing.

24 CFR Part 961

Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—Indians, Grant programs—low and moderate income housing, Indians, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 962

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 963

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 964

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Energy conservation, Government procurement, Grant programs—housing and community development, Lead poisoning, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 968

Grant programs—housing and community development, Indians, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 999

Grant programs—housing and community development, Indians, Public housing.

24 CFR Part 3280

Fire prevention, Housing standards, Manufactured homes.

24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes, Reporting and recordkeeping requirements.

Accordingly, under the authority 42 U.S.C. 3535(d), in title 24 of the Code of Federal Regulations, subtitle B, chapters I, II, V, VII, VIII, IX, and XX are amended, and chapters XI and XV are removed, as follows:

PART 0—STANDARDS OF CONDUCT

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 201–212; E.O. 11222, E.O. 12674, 3 CFR, 1964–1965 Comp., p. 306; 5 CFR 735.101–412.

Subpart A—General Provisions

§ 0.735–102 [Amended]

2. Section 0.735–102 is amended by removing the definition of ''*Department.*''

§ 0.735–106 [Removed]

3. Section 0.735–106 is removed.

PART 4—PROHIBITION OF ADVANCE DISCLOSURE OF FUNDING DECISIONS

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

Authority: 42 U.S.C. 3535(d) and 3537a.

Subpart A—General Provisions

5. Section 4.5 is amended by removing the definitions of ''*Department or HUD*'', ''*NOFA*'', and ''*Secretary*'', and adding introductory text to read as follows:

§ 4.5 Definitions.

The terms *Department*, *HUD*, *NOFA*, and *Secretary* are defined in 24 CFR part 5.

* * * * *

6. A new part 5 is added to read as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

Subpart A—Generally Applicable Definitions and Federal Requirements; Waivers

Sec.

5.100 Definitions.
5.105 Other Federal requirements.
5.110 Waivers.

Authority: 42 U.S.C. 3535(d).

Subpart A—Generally Applicable Definitions and Federal Requirements; Waivers

§ 5.100 Definitions.

The following definitions apply as noted in the respective program regulations:

1937 Act means the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*)

ADA means the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*).

ALJ means an administrative law judge appointed to HUD pursuant to 5 U.S.C. 3105 or detailed to HUD pursuant to 5 U.S.C. 3344.

Department means the Department of Housing and Urban Development.

Elderly Person means an individual who is at least 62 years of age.

Fair Housing Act means title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 *et seq.*).

Fair Market Rent (FMR) means the rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone). Separate Fair Market Rents will be established by HUD for dwelling units of varying sizes (number of bedrooms) and will be published in the Federal Register in accordance with part 888 of this title.

General Counsel means the General Counsel of HUD.

Grantee means the person or legal entity to which a grant is awarded and that is accountable for the use of the funds provided.

HUD means the same as *Department.*

Indian means a person who is recognized as being an Indian or Alaska Native by an Indian Tribe, the Federal government, or any State.

Indian Housing Authority (IHA) means an entity that:

(1) Is authorized to engage or assist in the development or operation of low-income housing for Indians under the 1937 Act; and

(2) Is established:

(i) By exercise of the power of self-government of an Indian Tribe independent of State law; or

(ii) By operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

NAHA means the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 *et seq.*).

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

NOFA means Notice of Funding Availability.

OMB means the Office of Management and Budget.

Organizational Unit means the jurisdictional area of each Assistant Secretary, and each office head or field administrator reporting directly to the Secretary.

Public Housing Agency (PHA) means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Section 8 means section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Secretary means the Secretary of Housing and Urban Development.

URA means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201–4655).

§ 5.105 Other Federal requirements.

The following Federal requirements apply as noted in the respective program regulations:

(a) *Nondiscrimination and equal opportunity.* The Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.*; Executive Order 11063, as amended by Executive Order 12259 (3 CFR, 1959–1963 Comp., p. 652 and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107; title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1; the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146; section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135; Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60; Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise).

(b) *Disclosure requirements.* The disclosure requirements and prohibitions of 31 U.S.C. 1352 and implementing regulations at 24 CFR part 87; and the requirements for funding competitions established by the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3531 *et seq.*).

(c) *Debarred, suspended or ineligible contractors.* The prohibitions at 24 CFR part 24 on the use of debarred, suspended or ineligible contractors.

(d) *Drug-Free Workplace.* The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*) and HUD's implementing regulations at 24 CFR part 24.

§ 5.110 Waivers.

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

PART 8—NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

7. The authority citation for part 8 is revised to read as follows:

Authority: 29 U.S.C. 794; 42 U.S.C. 3535(d) and 5309.

Subpart C—Program Accessibility

8. Section 8.32 is amended by revising paragraph (a) to read as follows:

§ 8.32 Accessibility standards.

(a) Effective as of July 11, 1988, design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS) shall be deemed to comply with the requirements of §§ 8.21, 8.22, 8.23, and 8.25 with respect to those buildings. Departures from particular technical and scoping requirements of the UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided. The alteration of housing facilities shall also be in conformance with additional scoping requirements contained in this part. Persons interested in obtaining a copy of the UFAS are directed to § 40.7 of this title.

* * * * *

PART 12—ACCOUNTABILITY IN THE PROVISION OF HUD ASSISTANCE

9. The authority citation for part 12 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 3545.

Subpart A—General

10. Section 12.3 is amended by removing the definitions of ''*Indian*'', ''*Indian Housing Authority*'', ''*HUD or Department*'', and ''*Public housing agency*'', and adding introductory text to read as follows:

§ 12.3 Definitions.

The terms *Department, HUD, Indian, Indian Housing Authority (IHA),* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 15—TESTIMONY, PRODUCTION AND DISCLOSURE OF MATERIAL OR INFORMATION BY HUD EMPLOYEES

11. The authority citation for part 15 is revised to read as follows:

Authority: 5 U.S.C. 552; 42 U.S.C. 3535(d).

Subpart A—Purpose and Policy

12. Section 15.1 is amended by removing the definitions of ''*Department*'', ''*Secretary*'', and ''*Organizational unit*'', and adding introductory text to read as follows:

§ 15.1 Definitions.

The terms *Department, Secretary,* and *Organizational unit* are defined in 24 CFR part 5.

* * * * *

Subpart I—Testimony of Employees of the Department in Legal Proceedings

§ 15.86 [Removed]

13. Section 15.86 is removed.

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

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

Authority: 5 U.S.C. 552(a); 42 U.S.C. 3535(d).

§ 16.2 [Amended]

15. Section 16.2 is amended by removing paragraph (b)(4) and redesignating paragraphs (b)(5) through (b)(8) as paragraphs (b)(4) through (b)(7).

PART 17—ADMINISTRATIVE CLAIMS

16. The authority citation for subpart A of part 17 is revised to read as follows:

Authority: 5 U.S.C. 5514; 28 U.S.C. 2672; 31 U.S.C. 3711, 3716–3718, 3721; 42 U.S.C. 3535(d).

Subpart A—Claims Against Government Under Federal Tort Claims Act

17. Section 17.1 is amended by revising paragraph (c) to read as follows:

§ 17.1 Scope; definitions.

* * * * *

(c) The terms *Department* and *Organizational unit* are defined in 24 CFR part 5.

PART 27—NONJUDICIAL FORECLOSURE OF MULTIFAMILY MORTGAGES

18. The authority citation for part 27 is revised to read as follows:

Authority: 12 U.S.C. 3711(5), 3717; 42 U.S.C. 3535(d).

Subpart A—General

19. Section 27.3 is amended by removing the definitions of ''*General Counsel*'' and ''*Secretary*'', and revising the introductory text to read as follows:

§ 27.3 Definitions.

The terms *General Counsel* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 28—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

20. The authority citation for part 28 is revised to read as follows:

Authority: 31 U.S.C. 3801; 42 U.S.C. 3535(d).

21. Section 28.3 is amended by removing the definitions of ''*ALJ*'' and ''*HUD*'', and adding introductory text to read as follows:

§ 28.3 Definitions.

The terms *ALJ* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 30—CIVIL MONEY PENALTIES: CERTAIN PROHIBITED CONDUCT

22. The authority citation for part 30 is revised to read as follows:

Authority: 12 U.S.C. 1701q–1, 1703, 1723i, 1735f–14, 1735f–15; 15 U.S.C. 1717a; 42 U.S.C. 3535(d).

Subpart A—General Provisions

23. Section 30.10 is amended by removing the definitions of ''*ALJ*'', ''*Department or HUD*'', and ''*Secretary*'', and revising the introductory text to read as follows:

§ 30.10 Definitions.

Because this part is primarily procedural, terms not defined in this section shall have the meanings given them in relevant program regulations. In the case of new responsibilities and new terminology established by the Reform Act, comprehensive definitions will be found in 24 CFR part 4 (Prohibition of Advance Disclosure of Funding Decisions) and 24 CFR part 12 (Accountability in the Provision of HUD Assistance). The terms *ALJ, Department, HUD,* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 35—LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN RESIDENTIAL STRUCTURES

24. The authority for part 35 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 4821–4846).

Subpart A—Notification to Purchasers and Tenants of HUD-Associated Housing Constructed Prior to 1978 of the Hazards of Lead-Based Paint Poisoning

§ 35.3 [Amended]

25. Section 35.3 is amended by removing the definition of ''*Department of HUD.*''

Subpart G—[Removed]

26. Subpart G, consisting of § 35.70, is removed.

PART 40—ACCESSIBILITY STANDARDS FOR DESIGN, CONSTRUCTION, AND ALTERATION OF PUBLICLY OWNED RESIDENTIAL STRUCTURES

27. The authority citation for part 40 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 4153.

§ 40.5 [Removed]

28. Section 40.5 is removed and reserved.

29. A new § 40.7 is added to read as follows:

§ 40.7 Availability of Accessibility Standards.

Copies of the Uniform Federal Accessibility Standards are available from the Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Room 5230, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 755–5404 (this is not a toll-free number). Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–0113 or 1–800–877–8399 (Federal Information Relay Service TDD). (Other than the ''800'' number, these are not toll-free numbers.)

PART 51—ENVIRONMENTAL CRITERIA AND STANDARDS

30. The authority citation for subpart C of part 51 is revised to read as follows:

Authority: 42 U.S.C. 3535(d).

Subpart C—Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature

31. Section 51.201 is amended by removing the definitions of ''*Department*'' and ''*Secretary*'', and adding introductory text to read as follows:

§ 51.201 Definitions.

The terms *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 52—INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS AND ACTIVITIES

32. The authority citation for part 52 is revised to read as follows:

Authority: 31 U.S.C. 6506; 42 U.S.C. 3334, 3535(d).

§ 52.2 [Amended]

33. Section 52.2 is amended by removing the definition of ''*Department.*''

§ 52.13 [Removed]

34. Section 52.13 is removed.

PART 91—CONSOLIDATED SUBMISSION FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

35. The authority citation for part 91 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–3619, 5301–5315, 11331–11388, 12701–12711, 12741–12756, and 12901–12912.

Subpart A—General

36. Section 91.5 is amended by removing the definitions of ''*Elderly person*'' and ''*HUD*'', and adding introductory text to read as follows:

§ 91.5 Definitions.

The terms *Elderly person* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

37. The authority citation for part 92 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 12701–12839.

Subpart A—General

38. Section 92.2 is amended by removing the definitions of ''*HUD*'', ''*Indian Housing Authority*'', ''*Public housing agency (PHA)*'', and ''*Secretary*'', and adding introductory text to read as follows:

§ 92.2 Definitions.

The terms *HUD, Indian Housing Authority (IHA), Public Housing Agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 92.3 [Removed]

39. Section 92.3 is removed and reserved.

Subpart H—Other Federal Requirements

40. Section 92.350 is amended by revising paragraph (a) to read as follows:

§ 92.350 Equal opportunity and fair housing.

(a) The Federal requirements set forth in 24 CFR part 5 apply to participants in the HOME program.

* * * * *

§ 92.357 [Removed]

41. Section 92.357 is removed and reserved.

PART 100—DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT

42. The authority citation for part 100 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—General

43. Section 100.20 is amended by removing the definitions of ''*Department*'', ''*Fair Housing Act*'', and ''*Secretary*'', and revising the introductory text to read as follows:

§ 100.20 Definitions.

The terms Department, Fair Housing Act, and Secretary are defined in 24 CFR part 5.

* * * * *

PART 103—FAIR HOUSING—COMPLAINT PROCESSING

44. The authority citation for part 103 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3601–3619.

Subpart A—Purpose and Definitions

45. Section 103.9 is amended by removing the definitions of ''*Fair Housing Act*'', ''*General Counsel*'', and ''*HUD*'', and revising the introductory text to read as follows:

§ 103.9 Definitions.

The terms *Fair Housing Act, General Counsel,* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 104—ADMINISTRATIVE PROCEEDINGS UNDER SECTION 812 OF THE FAIR HOUSING ACT

46. The authority citation for part 104 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—General Information

47. Section 104.20 is amended by removing the definitions of ''*Fair Housing Act*'', ''*General Counsel*'', and ''*HUD*'', and adding introductory text to read as follows:

§ 104.20 Definitions.

The terms *Fair Housing Act, General Counsel,* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 107—NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063

48–50. The authority citation for part 107 is revised to read as follows:

Authority: 42 U.S.C. 3535(d); E.O. 11063, 27 FR 11527, 3 CFR, 1958–1963 Comp., p. 652; E.O. 12892, 59 FR 2939, 3 CFR, 1994 Comp., p. 849.

51. Section 107.15 is amended by:

a. Revising paragraph (a);

b. Removing paragraph (b); and

c. Redesignating paragraphs (c) through (g) as paragraphs (b) through (f) to read as follows:

§ 107.15 Definitions.

(a) *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 109—FAIR HOUSING ADVERTISING

52. The authority citation for part 109 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

53. Section 109.15 is amended by revising paragraph (b) to read as follows:

§ 109.15 Definitions.

* * * * *

(b) *General Counsel* is defined in 24 CFR part 5.

* * * * *

PART 110—FAIR HOUSING POSTER

54. The authority citation for part 110 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

Subpart A—Purpose and Definitions

55. Section 110.5 is amended by:

a. Revising paragraph (a);

b. Removing paragraph (f); and

c. Redesignating paragraphs (g) through (i) as paragraphs (f) through (h) to read as follows:

§ 110.5 Definitions.

(a) The terms *Department* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 111—FAIR HOUSING ASSISTANCE PROGRAM

56. The authority citation for part 111 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3600–3620.

57. Section 111.101 is amended by removing the definitions of ''*HUD*'' and ''*NOFA*'', and revising the introductory text to read as follows:

§ 111.101 Definitions.

The terms *HUD* and *NOFA* are defined in 24 CFR part 5.

* * * * *

PART 125—FAIR HOUSING INITIATIVES PROGRAM

58. The authority citation for part 125 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 3616 note.

§ 125.103 [Amended]

59. Section 125.103 is amended by removing the definition of ''*Department*.''

PART 135—ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

60–62. The authority citation for part 135 is revised to read as follows:

Authority: 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

Subpart A—General Provisions

63. Section 135.5 is amended by removing the definitions of ''*Department or HUD*'', ''*Indian housing authority (IHA)*'', ''*Public housing agency (PHA)*'', and ''*Secretary*'', and revising the introductory text to read as follows:

§ 135.5 Definitions.

The terms *Department, HUD, Indian housing authority (IHA), Public housing agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 146—NONDISCRIMINATION ON THE BASIS OF AGE IN HUD PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

64. The authority citation for part 146 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 6103.

Subpart A—General

65. Section 146.7 is amended by removing the definitions of ''*HUD*'' and ''*Secretary*'', and revising the introductory text to read as follows:

§ 146.7 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 200—INTRODUCTION

66. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1701–1715z–18; 42 U.S.C. 1436a and 3535(d).

Subpart I—Nondiscrimination and Fair Housing

67. Section 200.300 is revised to read as follows:

§ 200.300 Nondiscrimination and fair housing policy.

The regulations in this subpart are prescribed pursuant to:

(a) The nondiscrimination and fair housing requirements set forth in 24 CFR part 5; and

(b) The affirmative fair housing marketing requirements in 24 CFR part 200, subpart M and part 108.

Subpart T—Disclosure and Verification of Social Security Numbers and Employer Identification Numbers by Applicants and Participants in Assisted Mortgage and Loan Insurance and Related Programs

68. Section 200.1005 is amended by removing the definitions of ''*HUD or Department*'' and ''*PHA*'', and revising the introductory text to read as follows:

§ 200.1005 Definitions.

The terms *Department, HUD,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5. For purposes of this subpart, the term *Public Housing Agency (PHA)* includes an Indian Housing Authority.

* * * * *

Subpart V—Procedures for Obtaining Wage and Claim Information About Applicants and Participants in HUD's Assisted Mortgage and Loan Insurance and Related Programs From State Wage Information Collection Agencies (SWICAs)

§ 200.1205 [Amended]

69. Section 200.1205 is amended by removing the definition of ''*HUD.*''

PART 201—TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS

70. The authority citation for part 201 is revised to read as follows:

Authority: 12 U.S.C. 1703; 42 U.S.C. 1436a and 3535(d).

Subpart A—General

§ 201.2 [Amended]

71. Section 201.2 is amended by removing paragraph (ff) and redesignating paragraphs (gg) through (mm) as paragraphs (ff) through (ll).

§ 201.5 [Amended]

72. Section 201.5 is amended by removing paragraph (a) and removing the designation of paragraph (b).

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

73. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

In addition, subpart C is also issued under 12 U.S.C. 1715u.

Subpart A—Eligibility Requirements and Underwriting Procedures

§ 203.248 [Removed]

74. Section 203.248 and the undesignated center heading preceding it are removed.

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

75. The authority citation for part 206 is revised to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–1720; 42 U.S.C. 3535(d).

Subpart A—General

§ 206.5 [Removed]

76. Section 206.5 is removed.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

77. The authority citation for part 213 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715e; 42 U.S.C. 3535(d).

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

§ 213.748 [Removed]

78. Section 213.748 is removed.

PART 215—RENT SUPPLEMENT PAYMENTS

79. The authority citation for part 215 continues to read as follows:

Authority: 12 U.S.C. 1701s; 42 U.S.C. 3535(d).

80. Section 215.1 is amended by revising the definition of ''*Elderly person*'' to read as follows:

§ 215.1 Definitions.

* * * * *

Elderly person is defined in 24 CFR part 5.

* * * * *

PART 219—FLEXIBLE SUBSIDY PROGRAM FOR TROUBLED PROJECTS

81. The authority citation for part 219 continues to read as follows:

Authority: 12 U.S.C. 1715z–1a; 42 U.S.C. 3535(d).

Subpart A—General Provisions

§ 219.130 [Removed]

82. Section 219.130 is removed.

PART 220—MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS FOR URBAN RENEWAL AND CONCENTRATED DEVELOPMENT AREAS

83. The authority citation for part 220 continues to read as follows:

Authority: 12 U.S.C. 1713, 1715b, and 1715k; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements—Homes

§ 220.248 [Removed]

84. Section 220.248 and the undesignated center heading preceding it are removed.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

85. The authority citation for part 221 is revised to read as follows:

Authority: 12 U.S.C. 1707(a), 1715b and 1751*l*; 42 U.S.C. 3535(b).

Subpart A—Eligibility Requirements—Low Cost Homes

§ 221.248 [Removed]

86. Section 221.248 and the undesignated center heading preceding it are removed.

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

87. The authority citation for part 231 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715v; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

88. Section 231.2 is amended by revising paragraph (c) to read as follows:

§ 231.2 Definitions.

* * * * *

(c) *Elderly person* is defined in 24 CFR part 5.

* * * * *

PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITIES, BOARD AND CARE HOMES, AND ASSISTED LIVING FACILITIES

89. The authority citation for part 232 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715w, and 1715z(9); 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

90. Section 232.1 is amended by revising paragraph (n) to read as follows:

§ 232.1 Definitions.

* * * * *

(n) *Elderly person* is defined in 24 CFR part 5.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

91. The authority citation for part 234 is revised to read as follows:

Authority: 12 U.S.C. 1715b and 1715y; 42 U.S.C. 3535(d). Section 234.520(a)(2)(ii) is also issued under 12 U.S.C. 1707(a).

Subpart A—Eligibility Requirements—Individually Owned Units

§ 234.248 [Removed]

92. Section 234.248 is removed.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

93. The authority citation for part 235 is revised to read as follows:

Authority: 12 U.S.C. 1715b and 1715z; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements—Homes for Lower Income Families

§ 235.1204 [Removed]

94. Section 235.1204 is removed.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENT FOR RENTAL PROJECTS

95. The authority citation for part 236 continues to read as follows:

Authority: 12 U.S.C. 1715b and 1715z-1; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements for Mortgage Insurance

96. Section 236.2 is amended by revising the definition of ''Elderly person'' to read as follows:

§ 236.2 Definitions.

* * * * *

Elderly person is defined in 24 CFR part 5.

* * * * *

PART 237—SPECIAL MORTGAGE INSURANCE FOR LOW AND MODERATE INCOME FAMILIES

97. The authority citation for part 237 continues to read as follows:

Authority: 12 U.S.C. 1709, 1715b, and 1715z-2; 42 U.S.C. 3535(d).

Subpart A—Eligibility Requirements

§ 237.248 [Removed]

98. Section 237.248 and the undesignated center heading preceding it are removed.

PART 248—PREPAYMENT OF LOW INCOME HOUSING MORTGAGES

99. The authority citation for part 248 continues to read as follows:

Authority: 12 U.S.C. 1715l note, 4101 note, and 4101–4124; 42 U.S.C. 3535(d).

Subpart C—Prepayment and Plans of Action Under the Emergency Low Income Preservation Act of 1987

100. Section 248.201 is amended by removing the definitions of ''*Fair Market Rent*'' and ''*Section 8*'', and adding introductory text to read as follows:

§ 248.201 Definitions.

The terms *Fair Market Rent (FMR)* and *Section 8* are defined in 24 CFR part 5.

* * * * *

PART 260—INTEREST SUBSIDY GRANTS

101. The authority citation for part 260 is revised to read as follows:

Authority: 42 U.S.C. 1440(c)(2) and 3535(d).

§ 260.2 [Amended]

102. Section 260.2 is amended by removing and reserving paragraph (d).

PART 261—ASSISTED HOUSING DRUG ELIMINATION PROGRAM

103. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11901 *et seq.*

Subpart A—General

104. Section 261.5 is amended by removing the definition of ''*HUD or Department*'', and adding introductory text to read as follows:

§ 261.5 Definitions.

The terms *Department* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 265—TRANSFER FROM NON-PROFIT TO PROFIT-MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES

105. The authority citation for part 265 is revised to read as follows:

Authority: 42 U.S.C. 3535(d).

§ 265.4 [Removed]

106. Section 265.4 is removed and reserved.

PART 280—NEHEMIAH HOUSING OPPORTUNITY GRANTS PROGRAM

107. The authority citation for part 285 continues to read as follows:

Authority: 12 U.S.C. 1715*l* note; 42 U.S.C. 3535(d).

Subpart A—General

§ 280.5 [Amended]

108. Section 280.5 is amended by removing the definition of ''*HUD*.''

§ 280.10 [Removed]

109. Section 280.10 is removed.

Subpart D—Application and Selection Procedures

110. Section 280.207 is amended by:

a. Revising the introductory text and paragraph (a);

b. Removing paragraphs (g) and (k); and

c. Redesignating paragraphs (h) through (j) as paragraphs (g) through (i), to read as follows:

§ 280.207 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following additional Federal requirements apply to this program:

(a) *Nondiscrimination and equal opportunity.* (1) The affirmative fair housing marketing requirements at 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108.

(2) *Racial and ethnic data collection requirements.* Recipients must maintain current data on the race and ethnicity of program beneficiaries.

* * * * *

PART 290—DISPOSITION OF MULTIFAMILY PROJECTS AND SALE OF HUD-HELD MULTIFAMILY MORTGAGES

111. The authority citation for part 290 continues to read as follows:

Authority: 12 U.S.C. 1701z–11, 1701z–12, 1713, 1715b, 1715z–1b; 42 U.S.C. 3535(d).

Subpart A—General Provisions

112. Section 290.5 is amended by removing the definitions of ''*Department*'' and ''*URA*'', and revising the introductory text to read as follows:

§ 290.5 What definitions apply in this regulation?

The terms *Department* and *URA* are defined in 24 CFR part 5.

* * * * *

§ 290.7 [Removed]

113. Section 290.7 is removed.

PART 291—DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY

114. The authority citation for part 291 continues to read as follows:

Authority: 12 U.S.C. 1709 and 1715b; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

Subpart A—General Provisions

115. Section 291.5 is amended by removing the definitions of ''*HUD*'' and ''*Secretary*'', and revising the introductory text to read as follows:

§ 291.5 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

Subpart E—Lease and Sale of HUD-Acquired Single Family Properties for the Homeless

§ 291.405 [Amended]

116. Section 291.405 is amended by removing the definition of ''*HUD*.''

117. Section 291.435 is amended by:

a. Revising the introductory text and paragraph (a)(1);

b. Removing paragraphs (c) and (e); and

c. Redesignating paragraph (d) as paragraph (c) to read as follows:

§ 291.435 Applicability of other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to lessees and purchasers under this subpart:

(a) *Nondiscrimination and equal opportunity.* (1) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5 are modified as follows:

(i) Where applicable, lessees and purchasers must also comply with the Americans with Disabilities Act (42 U.S.C. 12131) and implementing regulations at 28 CFR parts 35 and 36.

(ii) The requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and Executive Order 11246 (30 FR 12319, 12935, 3 CFR, 1946–1965 Comp., p. 339; Executive Order 11625 (36 FR 19967, 3 CFR, 1971–1975 Comp., p. 616); Executive Order 12432 (48 FR 32551, 3 CFR, 1983 Comp., p. 198; and Executive Order 12138 (44 FR 29637, 3 CFR, 1979 Comp., p. 393) do not apply to this subpart.

* * * * *

Subpart F—[Removed]

118. Subpart F, consisting of § 291.500, is removed.

PART 511—RENTAL REHABILITATION GRANT PROGRAM

119. The authority citation for part 511 continues to read as follows:

Authority: 2 U.S.C. 1437o and 3535(d).

Subpart A—General

120. Section 511.2 is amended by removing the definitions of ''*HUD*'' and ''*Public Housing Agency (PHA)*'', and adding introductory text to read as follows:

§ 511.2 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

§ 511.5 [Removed]

121. Section 511.5 is removed.

Subpart B—Program Requirements

122. Section 511.13 is amended by:

a. Revising the heading and the introductory text;

b. Removing paragraphs (a) and (c);

c. Redesignating paragraph (b) as paragraph (a); and

d. Adding paragraph (b) and reserving it, to read as follows:

§ 511.13 Nondiscrimination, equal opportunity, and affirmative marketing requirements.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply:

* * * * *

123. Section 511.16 is amended by:

a. Revising the introductory text;

b. Removing paragraphs (c), (d), and (f);

b. Redesignating paragraphs (e) and (g) as paragraphs (c) and (d), respectively, to read as follows:

§ 511.16 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, Grantees and, where applicable, State

recipients shall comply with the following requirements:

* * * * *

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

124. The authority citation for part 570 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 5300–5320.

Subpart A—General Provisions

125. Section 570.3 is amended by removing the definitions of ''*HUD*'' and ''*Secretary*'', and adding introductory text to read as follows:

§ 570.3 Definitions.

The terms HUD and Secretary are defined in 24 CFR part 5.

* * * * *

§ 570.5 [Removed]

126. Section 570.5 is removed.

Subpart I—State Community Development Block Grant Program

§ 570.481 [Amended]

127. Section 570.481 is amended by removing paragraph (a)(3).

Subpart K—Other Program Requirements

128. Sections 570.607 is revised to read as follows:

§ 570.607 Employment and contracting opportunities.

Grantees shall comply with:

(a) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p.339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) and the implementing regulations at 41 CFR chapter 60; and

(b) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135.

129. Section 570.609 is revised to read as follows:

§ 570.609 Use of debarred, suspended or ineligible contractors or subrecipients.

The requirements set forth in 24 CFR part 5 apply to this program.

PART 572—HOPE FOR HOMEOWNERSHIP OF SINGLE FAMILY HOMES PROGRAM (HOPE 3)

130. The authority citation for part 572 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12891.

Subpart A—General

131. Section 572.5 is amended by removing the definitions of ''*HUD*'', ''*IHA*'', ''*NAHA*'', ''*1937 Act*'', ''*NOFA*'', and ''PHA'', and revising the introductory text to read as follows:

§ 572.5 Definitions.

The terms *HUD, Indian Housing Authority (IHA), NAHA, 1937 Act, NOFA,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

§ 572.15 [Removed]

132. Section 572.15 is removed.

Subpart E—Other Federal Requirements

133. Section 572.405 is amended by:

a. Revising the introductory text and paragraph (a);

b. Removing paragraphs (b), (c) and (d);

c. Redesignating paragraphs (e) through (g) as paragraphs (b) through (d); and

d. Revising newly designated paragraph (b) to read as follows:

§ 572.405 Nondiscrimination and equal opportunity requirements.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply to homeownership programs under this part:

(a) *Modification of fair housing and nondiscrimination requirements for Indian tribes and IHAs.* (1) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-government. Thus, it is applicable in all cases when an IHA has been established by exercise of such powers. In the case of the IHA established pursuant to State law, the applicability of the Indian Civil Rights Act shall be determined on a case-by-case basis. Development subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

(2) In the case of Indian tribes and IHAs, compliance with the requirements of this section shall be to the maximum extent consistent, but not in derogation of, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

(b) *Affirmative fair housing marketing.* The recipient must adopt a strategy for informing and soliciting applications from people who are least likely to apply, because of race, color, religion, sex, disability, familial status, or national origin, for the program without special outreach, consistent with the affirmative fair housing marketing requirements. (See 24 CFR 92.351 for an example of an affirmative strategy.) Paragraph (b) of this section does not apply to Indian tribes and IHAs, as described in paragraph (a)(1) of this section.

* * * * *

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

134. The authority citation for part 574 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12901–12912.

Subpart A—General

135. Section 574.3 is amended by removing the definitions of ''*Grantee*'' and ''*Secretary*'', and adding introductory text to read as follows:

§ 574.3 Definitions.

The terms *Grantee* and *Secretary* are defined in 24 CFR part 5.

* * * * *

Subpart G—Other Federal Requirements

§ 574.600 [Redesignated as § 574.603]

136. Section 574.600 is redesignated as § 574.603 and a new § 574.600 is added to read as follows:

§ 574.600 Cross-reference.

The Federal requirements set forth in 24 CFR part 5 apply to this program as specified in this subpart.

137. Section 574.603 is amended by:

a. Revising the introductory text and paragraph (a);

b. Removing paragraphs (b), (c), (d) and (f); and

c. Redesignating paragraph (e) as paragraph (b) to read as follows:

§ 574.603 Nondiscrimination and equal opportunity.

In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, the following requirements apply:

(a) *Fair housing requirements.* (1) Grantees and project sponsors shall comply with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101–12213) and implementing regulations at 28 CFR part 35 (States and local government grantees) and part 36 (public accommodations and requirements for

certain types of short-term housing assistance).

(2) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) does not apply to this program.

* * * * *

§§ 574.610, 574.615, and 574.620 [Removed]

138. Sections 574.610, 574.615, and 574.620 are removed.

PART 576—EMERGENCY SHELTER GRANTS PROGRAM: STEWART B. McKINNEY HOMELESS ASSISTANCE ACT

139. The authority citation for part 576 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11376.

Subpart A—General

140. Section 576.3 is amended by removing the definitions of ''**GRANTEE**'' and ''*HUD*'', and adding introductory text to read as follows:

§ 576.3 Definitions.

The terms *Grantee* and *HUD* are defined in 24 CFR part 5.

* * * * *

§§ 576.5 [Removed]

141. Section 576.5 is removed.

Subpart G—Program Requirements

142. Section 576.79 is amended by:

a. Revising the introductory text and paragraph (a);

b. Removing paragraphs (e) and (h);

c. Redesignating paragraphs (f) and (g) as paragraphs (e) and (f), respectively;

d. Redesignating paragraphs (i) and (j) as paragraphs (g) and (h), respectively, to read as follows:

§ 576.79 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, use of emergency shelter grant amounts must comply with the following requirements:

(a) *Nondiscrimination and equal opportunity.* The nondiscrimination and equal opportunity requirements at 24 CFR part 5 are modified as follows:

(1) *Rehabilitation Act requirements.* HUD's regulations at 24 CFR part 8 implement section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). For purposes of the emergency shelter grants program, the term ''dwelling units'' in 24 CFR part 8 shall include sleeping accommodations.

(2) Use of emergency shelter grant amounts must also comply with the requirement that the grantee or the State recipient make known that use of the facilities and services is available to all on a nondiscriminatory basis. If the procedures that the grantee or recipient intends to use to make known the availability of the facilities and services are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for such facilities and services, the grantee or recipient must establish additional procedures that will ensure that such persons are made aware of the facilities and services. Grantees and recipients must also adopt procedures which will make available to interested persons information concerning the location of services and facilities that are accessible to persons with disabilities.

* * * * *

PART 582—SHELTER PLUS CARE

143. The authority citation for part 582 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 11403 note.

Subpart A—General

144. Section 582.5 is amended by removing the definitions of ''Fair Market rent or FMR'', ''HUD'', ''Public housing agency or PHA'', and Secretary'', and revising the introductory text to read as follows:

§ 582.5 Definitions.

The terms *Fair Market Rent (FMR), HUD, Public Housing Agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 582.10 [Removed]

145. Section 582.10 is removed.

Subpart D—Program Requirements

146. Section 582.330 is amended by revising paragraph (b) to read as follows:

§ 582.330 Nondiscrimination and equal opportunity requirements.

* * * * *

(b) *Compliance with requirements.* (1) In addition to the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, recipients serving a designated population of homeless persons must, within the designated population, comply with the prohibitions against discrimination against handicapped individuals under section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 41 CFR chapter 60–741.

(2) The nondiscrimination and equal opportunity requirements set forth at part 5 of this title are modified as follows:

(i) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-government, and to IHAs when established by the exercise of such powers. When an IHA is established under State law, the applicability of the Indian Civil Rights Act will be determined on a case-by-case basis. Projects subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

(ii) [Reserved]

* * * * *

147. Section 582.340 is amended by:

a. Adding an introductory text;

b. Removing paragraphs (b), (c), and (d); and

c. Redesignating paragraph (e) as paragraph (b) to read as follows:

§ 582.340 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, the following requirements apply to this program:

* * * * *

PART 583—SUPPORTIVE HOUSING PROGRAM

148. The authority citation for part 583 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11389.

Subpart A—General

149. Section 583.5 is amended by removing the definition of ''*HUD.*''

§ 583.10 [Removed]

150. Section 583.10 is removed.

Subpart D—Program Requirements

151. Section 583.325 is amended by revising paragraph (b) introductory text and (b)(1) to read as follows:

§ 583.325 Nondiscrimination and equal opportunity requirements.

* * * * *

(b) *Nondiscrimination and equal opportunity requirements.* The nondiscrimination and equal opportunity requirements set forth at part 5 of this title apply to this program.

(1) The Indian Civil Rights Act (25 U.S.C. 1301 *et seq.*) applies to tribes when they exercise their powers of self-

government, and to IHAs when established by the exercise of such powers. When an IHA is established under State law, the applicability of the Indian Civil Rights Act will be determined on a case-by-case basis. Projects subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

* * * * *

152. Section 583.330 is amended by:

a. Revising the introductory text;

b. Removing paragraph (f) and (i); and

c. Redesignating paragraphs (g) and (h) as paragraphs (f) and (g), respectively to read as follows:

§ 583.330 Applicability of other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, use of assistance provided under this part must comply with the following Federal requirements:

* * * * *

PART 585—YOUTHBUILD PROGRAM

153. The authority citation for part 585 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

Subpart A—General

154. Section 585.4 is amended by removing the definitions of ''*1937 Act*'' and ''*Secretary*'', and revising the introductory text to read as follows:

§ 585.4 Definitions.

The terms *Secretary* and *1937 Act* are defined in 24 CFR part 5.

* * * * *

PART 590—URBAN HOMESTEADING

155. The authority citation for part 590 is revised to read as follows:

Authority: 12 U.S.C. 1706e; 42 U.S.C. 3535(d).

§ 590.3 [Removed]

156. Section 590.3 is removed.

§ 590.5 [Removed]

157. Section 590.5 is amended by removing the definition of ''*HUD.*''

PART 594—JOHN HEINZ NEIGHBORHOOD DEVELOPMENT PROGRAM

158. The authority citation for part 594 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 1518a.

Subpart A—General

159. Section 594.3 is amended by removing the definition of ''*HUD.*''

Subpart D—Award and Use of Grant Amounts

160. Section 594.30 is amended by:

a. Revising the introductory text and paragraph (a);

b. Removing paragraphs (b), (c), and (d); and

c. Redesignating paragraphs (e) through (h) as paragraphs (b) through (e) to read as follows:

§ 594.30 Equal opportunity and other Federal requirements.

Each participating neighborhood development organization must certify that it will carry out activities assisted under the program in compliance with the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5 and:

(a) The requirements at 24 CFR part 200, subpart M;

* * * * *

PART 597—URBAN EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

161. The authority citation for part 597 continues to read as follows:

Authority: 26 U.S.C. 1391; 42 U.S.C. 3535(d).

Subpart A—General Provisions

162. Section 597.3 is amended by removing the definitions of ''*HUD*'' and ''*Secretary*'', and adding introductory text to read as follows:

§ 597.3 Definitions.

The terms *HUD* and *Secretary* are defined in 24 CFR part 5.

* * * * *

§ 597.5 [Removed]

163. Section 597.5 is removed.

PART 700—CONGREGATE HOUSING SERVICES PROGRAM

164. The authority citation for part 700 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

165. Section 700.105 is amended by removing the definitions of ''*Elderly person*'' and ''*HUD*'', and revising the introductory text to read as follows:

§ 700.105 Definitions.

The terms *Elderly person* and *HUD* are defined in 24 CFR part 5.

* * * * *

PART 750—DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS AND EMPLOYER IDENTIFICATION NUMBERS BY APPLICANTS AND PARTICIPANTS IN CERTAIN HOUSING ASSISTANCE PROGRAMS

166. The authority citation for part 750 is revised to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 3535(d), 3543, 1437a, 1437d, 1437f, 1437o, 1437ee, and 8013.

Subpart A—General

167. Section 750.5 is amended by removing the definitions of ''*HUD or Department*'' and ''*Public housing agency (PHA)*'', and revising the introductory text to read as follows:

§ 750.5 Definitions.

The terms *HUD, Department* and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 760—PROCEDURES FOR OBTAINING WAGE AND CLAIM INFORMATION ABOUT APPLICANTS AND PARTICIPANTS IN HUD'S SECTION 8 AND PUBLIC HOUSING PROGRAMS FROM STATE WAGE INFORMATION COLLECTION AGENCIES (SWICAs)

168. The authority citation for part 760 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437a, 1437d, 1437ee, 1437f, 3535(d), and 3544.

Subpart A—General

169. Section 760.5 is amended by removing the definitions of ''*HUD*'' and ''*Public Housing Agency (PHA)*'', and revising the introductory text to read as follows:

§ 760.5 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 791—REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATIONS OF HOUSING ASSISTANCE FUNDS

170. The authority citation for part 791 is revised to read as follows:

Authority: 42 U.S.C. 1439 and 3535(d).

Subpart A—General Provisions

171. Section 791.102 is amended by removing the definitions of ''*HUD*'' and ''*Public housing agency*'', and adding an introductory text to read as follows:

§ 791.102 Definitions.

The terms *HUD,* and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 792—HOUSING AGENCY SECTION 8 FRAUD RECOVERIES

172. The authority citation for part 792 is revised to read as follows:

Authority: 42 U.S.C. 1437f note and 3535(d).

Subpart A—General Provisions

173. Section 792.103 is amended by revising the definition of ''*HA (Housing Agency)*'' to read as follows:

§ 792.103 Definitions.

* * * * *

HA (Housing Agency) is the collective term for Public Housing Agencies and Indian Housing Authorities. The terms *Public Housing Agency (PHA)* and *Indian Housing Authority (IHA)* are defined in 24 CFR part 5.

* * * * *

PART 799—[Removed]

174. Part 799, consisting of § 799.101, is removed.

PART 811—TAX EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES AND RELATED AMENDMENTS

175. The authority citation for part 811 continues to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437c, 1437f, and 3535(d).

Subpart A—Tax Exemption, Under Section 11(b) of the Act, of Obligations Issued by Public Housing Agencies To Finance Section 8 Projects

176. Section 811.102 is amended by:

a. Adding an introductory text;

b. Removing paragraphs (l) and (q);

c. Redesignating paragraphs (m) through (p) as paragraphs (l) through (o); and

d. Redesignating paragraphs (r) through (u) as paragraphs (q) through (t) to read as follows:

§ 811.102 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATIONS OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

177. The authority citation for part 813 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 1437n and 3535(d).

178. Section 813.102 is amended by removing the definitions of ''*Elderly person*'', ''*Indian*'', ''*Indian Housing Authority*'', and ''*Public Housing Agency*'', and adding introductory text to read as follows:

§ 813.102 Definitions.

The terms *Elderly person, Indian, Indian Housing Authority (IHA),* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 850—HOUSING DEVELOPMENT GRANTS

179. The authority citation for part 850 continues to read as follows:

Authority: 42 U.S.C. 1437o and 3535(d).

Subpart A—General Provisions

180. Section 850.3 is amended by removing the definitions of ''*Grantee*'' and ''*HUD*'', and adding introductory text to read as follows:

§ 850.3 Definitions.

The terms *Grantee* and *HUD* are defined in 24 CFR part 5.

* * * * *

Subpart C—Application Procedures and Program Requirements

181. Section 850.35 is amended by:

a. Revising the introductory text;

b. Removing paragraphs (a), (b), (d), and (l); and

c. Redesignating paragraphs (c) and (e) through (k) as paragraphs (a) through (h), respectively; and

d. Redesignating paragraph (m) as paragraph (i), to read as follows:

§ 850.35 Other program requirements.

In addition to the requirements set forth in 24 CFR part 5, the applicant (or grantee) shall assure that the following program requirements are met:

* * * * *

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

182. The authority citation for part 880 is revised to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

Subpart B—Definitions, Project Eligibility and Other Requirements

183. Section 880.201 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', ''*NOFA*'', and ''*PHA*'', and adding introductory text to read as follows:

§ 880.201 Definitions.

The terms *Fair Market Rent (FMR), HUD, NOFA,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

184. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

Subpart B—Definitions, Project Eligibility and Other Requirements

185. Section 881.201 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', ''*NOFA*'', and ''*PHA*'', and adding introductory text to read as follows:

§ 881.201 Definitions.

The terms *Fair Market Rent (FMR), ''HUD, NOFA,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 882—SECTION 8 CERTIFICATE AND MODERATE REHABILITATION PROGRAMS

186. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

Subpart A—Applicability, Scope and Basic Policies

187. Section 882.102 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', ''*Public Housing Agency (''PHA'')*'', and ''*Secretary*'', and adding introductory text to read as follows:

§ 882.102 Definitions.

The terms *Fair Market Rent (FMR), HUD, Public Housing Agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

188. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart C—Definitions, Project Eligibility and Requirements

189. Section 883.302 is amended by removing the definitions of ''*Fair Market Rent (FMR)*'', ''*HUD*'', and ''*PHA (Public Housing Agency)*'', and adding introductory text to read as follows:

§ 883.302 Definitions.

The terms *Fair Market Rent (FMR), HUD,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

190. The authority citation for part 884 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart A—Applicability, Scope and Basic Policies

191. Section 884.102 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', ''*Public Housing Agency (PHA)*'', and ''*Secretary*'', and adding introductory text to read as follows:

§ 884.102 Definitions.

The terms *Fair Market Rent (FMR), HUD, Public housing agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

192. The authority citation for part 885 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 1437f and 3535(d).

Subpart C—Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance

193. Section 885.740 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 885.740 Other Federal requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, the following requirements apply to this program:

(a) *Affirmative fair housing marketing.* (1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M, and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

* * * * *

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

194. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

Subpart A—Additional Assistance Program for Projects With HUD-Insured and HUD-Held Mortgages

195. Section 886.102 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', ''*Public Housing Agency (PHA)*'', and ''*Secretary*'', and adding introductory text to read as follows:

§ 886.102 Definitions.

The terms *Fair Market Rent (FMR), HUD, Public Housing Agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

196. Section 886.132 is amended by revising paragraph (f)(1) to read as follows:

§ 886.132 Selection preferences.

* * * * *

(f) *Nondiscrimination.* Any selection preferences that are used by an owner must be established and administered in accordance with:

(1) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, except for:

(i) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; and

(ii) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively); Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139); Executive Order 12432 (3 CFR, 1983 Comp., p. 198); and Executive Order 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245).

(2) The Americans with Disabilities Act (42 U.S.C. 12101–12213), to the extent applicable; and

(3) HUD's affirmative fair housing objectives and (where applicable) the owner's HUD-approved affirmative fair housing marketing plan.

* * * * *

Subpart C—Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects

197. Section 886.302 is amended by removing the definitions of ''*Fair Market Rent*'', ''*HUD*'', and ''*Public Housing Agency (PHA)*'', and adding introductory text to read as follows:

§ 886.302 Definitions.

The terms *Fair Market Rent (FMR), HUD,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 887—HOUSING VOUCHERS

198. The authority citation for part 887 continues to read as follows:

Authority: 42 U.S.C. 1437f(o) and 3535(d).

Subpart A—General Information

199. Section 887.7 is amended by removing the definitions of ''*1937 Act*'', ''*Elderly person*'', ''*Fair market rent (FMR)*'', ''*HUD*'', and ''*Public Housing Agency (PHA)*'', and adding introductory text to read as follows:

§ 887.7 Definitions.

The terms *1937 Act, Elderly person, Fair Market Rent (FMR), HUD,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 889—SUPPORTIVE HOUSING FOR THE ELDERLY

§ 889.105 [Removed]

200. The authority citation for part 889 continues to read as follows:

Authority: 12 U.S.C. 1701q; 42 U.S.C. 3535(d).

Subpart A—General

§ 889.105 [Amended]

201. Section 889.105 is amended by removing the definition of ''*Secretary.*''

Subpart B—Application Procedures and Program Requirements

202. Section 889.265 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 889.265 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following

Federal requirements apply to this program:

(a) *Affirmative fair housing marketing.* (1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing and poster guidelines at 24 CFR parts 109 and 110.

* * * * *

PART 890—SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

203. The authority citation for part 890 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8013.

Subpart A—General

204. Section 890.105 is amended by removing the definition of ''*Secretary*.''

Subpart B—Application Procedures and Program Requirements

205. Section 890.260 is amended by adding introductory text and revising paragraph (a) to read as follows:

§ 890.260 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to this program:

(a) *Affirmative fair housing marketing.* (1) The affirmative fair housing marketing requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

* * * * *

PART 899—[REMOVED]

206. Part 899, consisting of § 899.101, is removed.

PART 901—PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM

207. The authority citation for part 901 is revised to read as follows:

Authority: 42 U.S.C. 1437d(j) and 3535(d).

Subpart A—General Provisions

208. Section 901.05 is amended by:

a. Adding introductory text;

b. Removing paragraphs (m) and (t);

c. Redesignating paragraphs (n) through (s) as paragraphs (m) through (r); and

d. Redesignating paragraphs (u) through (y) as paragraphs (s) through (w) to read as follows:

§ 901.05 Definitions.

The terms *Department, HUD,* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 904—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

209. The authority citation for part 904 continues to read as follows:

Authority: 42 U.S.C. 1437–1437ee and 3535(d).

Subpart B—Turnkey III Program Description

§ 904.102 [Amended]

210. Section 904.102 is amended by removing paragraph (h) and redesignating paragraphs (i) through (k) as paragraphs (h) through (j).

PART 913—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING PROGRAM

211. The authority citation for part 913 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437d, 1437n, and 3535(d).

212. Section 913.102 is amended by removing the definitions of ''*Elderly person*'', ''*Indian*'', ''*Indian Housing Authority*'', and ''*Public Housing Agency (PHA)*'', and adding introductory text to read as follows:

§ 913.102 Definitions.

The terms *Elderly person, Indian, Indian Housing Authority (IHA),* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 941—PUBLIC HOUSING DEVELOPMENT

213. The authority citation for part 941 continues to read as follows:

Authority: 42 U.S.C. 1437b, 1437c, 1437g, and 3535(d).

Subpart A—General

214. Section 941.103 is amended by removing the definitions of ''*HUD*'', and ''*Public Housing Agency (PHA)*'', and adding introductory text to read as follows:

§ 941.103 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

Subpart B—PHA Eligibility and Program Requirements

215. Section 941.208 is amended by:

a. Adding introductory text;

b. Removing paragraphs (a), (e), and (f);

c. Redesignating paragraphs (b), (c), (d), (g), (h), and (i) as paragraphs (a) through (f), respectively; and

d. Revising newly designated paragraph (b) to read as follows:

§ 941.208 Other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal Requirements apply to this program:

* * * * *

(b) *Accessibility requirements.* Participation in this program requires compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157) and Executive Order 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298.

* * * * *

PART 942—PET OWNERSHIP IN PUBLIC HOUSING FOR THE ELDERLY OR HANDICAPPED

216. The authority citation for part 942 is revised to read as follows:

Authority: 12 U.S.C. 1701n–1; 42 U.S.C. 3535(d).

Subpart A—General

217. Section 942.3 is amended by revising paragraph (c) read as follows:

§ 942.3 Definitions.

* * * * *

(c) *Public Housing Agency (PHA)* is defined in 24 CFR part 5.

* * * * *

PART 945—DESIGNATED HOUSING—PUBLIC HOUSING DESIGNATED FOR OCCUPANCY BY DISABLED, ELDERLY, OR DISABLED AND ELDERLY FAMILIES

218. The authority citation for part 945 is revised to read as follows:

Authority: 42 U.S.C. 1473e and 3535(d).

Subpart A—General

219. Section 945.105 is amended by removing the definitions of ''*Elderly person*'', ''*HUD or Department*'', ''*NAHA*'', ''*Public housing agency or PHA*'', and ''*Secretary*'', and revising the introductory text to read as follows:

§ 945.105 Definitions.

The terms *Department, Elderly person, HUD, NAHA, Public Housing*

Agency (PHA), and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 960—ADMISSION TO, AND OCCUPANCY OF, PUBLIC HOUSING

220. The authority citation for part 960 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437n, and 3535(d).

Subpart B—Admission, Rent and Reexamination

221. Section 960.203 is revised to read as follows:

§ 960.203 Nondiscrimination requirements.

The tenant selection criteria and requirements used by a PHA must comply with:

(a) The nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5, with the exception of:

(1) Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations at 24 CFR part 135; and

(2) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964–1965 Comp., p. 339; 3 CFR, 1966–1970 Comp., p. 684; 3 CFR, 1966–1970 Comp., p. 803; 3 CFR, 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264, respectively) (Equal Employment Opportunity Programs) and implementing regulations at 41 CFR chapter 60; Executive Order 11625, as amended by Executive Order 12007 (3 CFR, 1971–1975 Comp., p. 616 and 3 CFR, 1977 Comp., p. 139) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprise Development); and 12138, as amended by Executive Order 12608 (3 CFR, 1977 Comp., p. 393 and 3 CFR, 1987 Comp., p. 245) (Women's Business Enterprise).

(b) The Americans with Disabilities Act (42 U.S.C. 12101–12213), to the extent applicable.

(c) Any tenant selection policies also must be consistent with HUD's affirmative fair housing objectives.

Subpart E—Exemption From Eligibility Requirements for Police Officers and Other Security Personnel

§ 960.503 [Amended]

222. Section 960.503 is amended by removing the definition of ''*Department.*''

PART 961—PUBLIC HOUSING DRUG ELIMINATION PROGRAM

223. The authority citation for part 961 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 11901 *et seq.*

Subpart A—General

224. Section 961.5 is amended by removing the definitions of ''*HUD or Department*'', ''*Indian*'', ''*Indian Housing Authority (IHA)*'', and ''*Public housing agency (PHA)*'', and adding introductory text to read as follows:

§ 961.5 Definitions.

The terms *Department, HUD, Indian Housing Authority (IHA),* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

Subpart D—Grant Administration

225. Section 961.29 is amended by:

a. Revising the introductory text;

b. Removing paragraphs (b), (c), (g), and (h);

c. Redesignating paragraphs (d), (e), and (f) as paragraphs (b), (c), and (d); and

d. Redesignating paragraphs (i), (j), and (k) as paragraphs (e), (f), and (g); and

e. Revising newly designated paragraphs (e) and (f) to read as follows:

§ 961.29 Other Federal Requirements.

In addition to the requirements set forth in 24 CFR part 5, use of grant funds requires compliance with the following Federal requirements:

* * * * *

(e) For IHAs, § 950.115 of this chapter, ''Applicability of civil rights requirements'', and § 950.120 of this chapter, ''Compliance with other Federal requirements'', of this title apply and control to the extent they may differ from other requirements of this section;

(f) *Indian preference.* Applicants are subject to the Indian Civil Rights Act (24 U.S.C . 1301), the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), and the Indian preference rules in the IHA procurement regulations at 24 CFR part 950, subpart B. These provisions require, to the greatest extent feasible, that preference and opportunities for training and employment be given to Indians and that preference in the award of subcontracts and subgrants be given to Indian Organizations and Indian Owned Economic Enterprises.

PART 962—PUBLIC HOUSING FAMILY SELF-SUFFICIENCY PROGRAM

226. The authority citation for part 962 is revised to read as follows:

Authority: 42 U.S.C. 1437f, 1437u, and 3535(d).

Subpart A—General

227. Section 962.103 is amended by removing the definitions of ''*HUD or Department*'', ''*Public housing agency or PHA*'', and ''*Secretary*'', and revising the introductory text to read as follows:

§ 962.103 Definitions.

The terms *Department, HUD, Public housing agency (PHA),* and *Secretary* are defined in 24 CFR part 5.

* * * * *

PART 963—PUBLIC HOUSING—CONTRACTING WITH RESIDENT-OWNED BUSINESSES

228. The authority citation for part 963 is revised to read as follows:

Authority: 42 U.S.C. 1437 and 3535(d).

Subpart A—General

229. Section 963.5 is amended by removing the definitions of ''*HUD*'' and ''*Public housing agency (PHA)*'', and adding introductory text to read as follows:

§ 963.5 Definitions.

The terms *HUD* and *Public housing agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 964—TENANT PARTICIPATION AND TENANT OPPORTUNITIES IN PUBLIC HOUSING

230. The Authority citation for part 964 continues to read as follows:

Authority: 42 U.S.C. 1437d, 1437g, 1437l, 1437r, 1437t, and 3535(d).

Subpart A—General Provisions

231. Section 964.7 is amended by adding a definition of ''*HA*'' and revising the definition of ''*Public Housing Agency (HA)*'' to read as follows:

§ 964.7 Definitions.

* * * * *

HA means the same as *Public Housing Agency (PHA).*

* * * * *

Public Housing Agency (PHA) is defined in 24 CFR part 5.

* * * * *

232. Section 964.30 is revised to read as follows:

§ 964.30 Other Program requirements.

In addition to the requirements set forth in 24 CFR part 5, the following Federal requirements apply to this program:

(a) *Affirmative Outreach.* (1) The Affirmative Fair Housing Marketing Program requirements of 24 CFR part 200, subpart M and the implementing regulations at 24 CFR part 108; and

(2) The fair housing advertising and poster guidelines at 24 CFR parts 109 and 110.

(b) Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131) and implementing regulations at 28 CFR part 35.

PART 965—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

233. The Authority citation for part 965 is revised to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437d, 1437g, and 3535(d). Subpart H is also issued under 42 U.S.C. 4821–4846.

Subpart E—Tenant Allowances for Utilities

234. Section 965.472 is amended by revising the definition of ''*Public Housing Agency [PHA]*'' to read as follows:

§ 965.472 Definitions.

* * * * *

Public Housing Agency (PHA) is defined in 24 CFR part 5.

* * * * *

PART 968—PUBLIC HOUSING MODERNIZATION

235. The authority citation for part 968 is revised to read as follows:

Authority: 42 U.S.C. 1437d, 1437*l*, and 3535(d).

Subpart A—General

236. Section 968.105 is amended by removing the definitions of ''*HUD*'' and ''*PHA*'', and revising the introductory text to read as follows:

§ 968.105 Definitions.

The terms *HUD* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

237. Section 968.110 is amended by:

a. The introductory text and paragraph (a) are revised;

b. Paragraphs (b) and (h) are removed and reserved. The revisions read as follows:

§ 968.110 Other program requirements.

In addition to the Federal requirements set forth in 24 CFR part 5, the PHA shall comply with the following program requirements:

(a) *Nondiscrimination and equal opportunity.* The PHA shall comply with Title II of the Americans with Disabilities Act and 28 CFR part 35; section 503 of the Rehabilitation Act of 1973 and 41 CFR chapter 60–471; and the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157) and 24 CFR part 40.

* * * * *

Subpart D—Vacancy Reduction Program

238. Section 968.405 is amended by removing the definitions of ''*NOFA*'' and ''*PHA*'', and revising the introductory text to read as follows:

§ 968.405 Definitions.

In addition to the definitions applicable under § 968.105, the following definitions apply to this subpart. The terms *NOFA* and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

* * * * *

PART 999—[REMOVED]

239. Part 999, consisting of § 999.101, is removed.

CHAPTER XI—[REMOVED]

239a. ''CHAPTER XI—SOLAR ENERGY AND ENERGY CONSERVATION BANK, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'', is removed.

CHAPTER XV—[REMOVED]

239b. ''CHAPTER XV—MORTGAGE INSURANCE AND LOAN PROGRAMS UNDER THE EMERGENCY HOMEOWNERS' RELIEF ACT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'', is removed.

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

240. The authority citation for part 3280 is revised to read as follows:

Authority: 42 U.S.C. 3535(d), 5403, and 5424.

Subpart A—General

§ 3280.2 [Amended]

241. Section 3280.2 is amended by removing the definition of ''*Department.*''

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

242. The authority citation for part 3282 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 5424.

Subpart A—General

243. Section 3282.7 is amended by:

a. Revising the introductory text;

b. Removing paragraphs (k), (p), and (ee);

c. Redesignating paragraphs (l) through (o) as paragraphs (k) through (n);

d. Redesignating paragraphs (q) through (dd) as paragraphs (p) through (cc); and

e. Redesignating paragraphs (ff) through (oo) as paragraphs (ee) through (nn) to read as follows:

§ 3282.7 Definitions.

The terms *Department, HUD,* and *Secretary* are defined in 24 CFR part 5.

* * * * *

Dated: January 18, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–2702 Filed 2–8–96; 8:45 am]

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Federal Register

Friday
February 9, 1996

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Revised Discrete Gust Load Design Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 27902; Amdt. No. 25–86]

RIN 2120–AF27

Revised Discrete Gust Load Design Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the gust load design requirements for transport category airplanes. This amendment replaces the current discrete gust requirement with a new requirement for a discrete tuned gust; modifies the method of establishing the design airspeed for maximum gust intensity; and provides for an operational rough air speed. These changes are made in order to provide a more rational basis of accounting for the aerodynamic and structural dynamic characteristics of the airplane. These changes also provide for harmonization of the discrete gust requirements with the Joint Aviation Requirements (JAR) of Europe as recently amended.

EFFECTIVE DATE: March 11, 1996.

FOR FURTHER INFORMATION CONTACT: James Haynes, Airframe and Propulsion Branch, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (206) 227–2131.

SUPPLEMENTARY INFORMATION:

Background

The National Advisory Committee for Aeronautics (NACA), the predecessor of the National Aeronautics and Space Administration (NASA), began an inflight gust measurement program in 1933 to assist in the refinement of gust load design criteria. Using unsophisticated analog equipment, that program resulted in the development of the improved design requirements for gust loads that were issued in part 04 of the Civil Aeronautics Regulations (CAR) in the 1940's. The corresponding Civil Aeronautics Manual (CAM) 04 provided a simplified formula from which to derive the design gust loads from the specified design gust velocities. These criteria were based on an analytical encounter of the airplane with a discrete ramp-shaped gust with a gradient distance (the distance necessary for the gust to build to a peak) of 10 times the mean chord length of the airplane wing. An alleviation factor, calculated from wing loading, was provided in order to account for the relieving effects of rigid body motion of the airplane as it penetrated the gust. With the development of the VGH (velocity, load factor, height) recorder in 1946, NASA began collecting a large quantity of gust load data on many types of aircraft in airline service. Although that program was terminated for transport airline operations in 1971, the data provided additional insight into the nature of gusts in the atmosphere, and resulted in significant changes to the gust load design requirements. The evolution of the discrete gust design criteria from part 04 through part 4b of the CAR to current part 25 of Title 14 of the Code of Federal Regulations (CFR) (which contains the design requirements for transport category airplanes) resulted in the establishment of a prescribed gust shape with a specific gust gradient distance and increased peak gust design velocities. The prescribed shape was a ''one-minus-cosine'' gust shape with a specified gust gradient distance of 12.5 times the mean chord length of the airplane wing. The gust gradient distance, for that particular shape, was equal to one-half the total gust length. A simplified analytical method similar to the methodology of CAM 04 was provided along with an improved alleviation factor that accounted for unsteady aerodynamic forces, gust shape, and the airplane rigid body vertical response.

The increasing speed, size, and structural flexibility of transport airplanes resulted in the need to consider not only the rigid body response of the airplane, but also structural dynamic response and the effects of structural deformation on the aerodynamic parameters. Early attempts to account for structural flexibility led to a ''tuned'' gust approach in which the analysis assumed a flexible airplane encountering gusts with various gradient distances in order to find the most critical gust gradient distance for use in design for each major component. A tuned discrete gust approach became a requirement for compliance with the British Civil Airworthiness Requirements.

Another method of accounting for the structural dynamic effects of the airplane involved the power spectral density (PSD) analysis technique which accounted for the statistical distribution of gusts in continuous turbulence in conjunction with the aeroelastic and structural dynamic characteristics of the airplane. In the 1960's, the Federal Aviation Administration (FAA) awarded study contracts to Boeing and Lockheed for the purpose of assisting the FAA in developing the PSD gust methodology into continuous gust design criteria with analytical procedures. The final PSD continuous turbulence criteria were based on those studies and were codified in Appendix G to part 25 in 1980.

Recognizing that the nature of gusts was not completely defined, and that individual discrete gusts might exist outside the normal statistical distribution of gusts in continuous turbulence, the FAA retained the existing criteria for discrete gusts in addition to the new requirement for continuous turbulence. The current discrete gust criteria in Subpart C of part 25 require the loads to be analytically developed assuming the airplane encounters a gust with a fixed gradient distance of 12.5 mean chord lengths. For application of the current criteria, it is generally assumed that the airplane is rigid in determining the dynamic response to the gust while the effects of wing elastic deflection on wing static lift parameters are normally taken into account. The minimum value of the airplane design speed for maximum gust intensity, V_B, is also established from the discrete gust criteria.

Recent flight measurement efforts by FAA and NASA have been aimed at utilizing measurements from the digital flight data recorders (DFDR) to derive gust load design information for airline transport airplanes. The Civil Aviation Authority (CAA) of the United Kingdom has also been conducting a comprehensive DFDR gust measurement program for transport airplanes in airline service. The program, called CAADRP (Civil Aircraft Airworthiness Data Recording Program), uses data sampling rates that allow the measurement of a wide range of gust gradient distances. The CAADRP program is still continuing and has resulted in an extensive collection of reliable gust data.

In 1988, the FAA, in cooperation with the JAA and organizations representing the American and European aerospace industries, began a process to harmonize the airworthiness requirements of the United States and the airworthiness requirements of Europe in regard to gust requirements. The objective was to achieve common requirements for the certification of transport airplanes without a substantive change in the level of safety provided by the regulations. Other airworthiness authorities such as Transport Canada have also participated in this process.

In 1992, the harmonization effort was undertaken by the Aviation Regulatory Advisory Committee (ARAC). A working group of industry and

government structural loads specialists of Europe, the United States, and Canada was chartered by notice in the Federal Register (58 FR 13819, March 15, 1993) to harmonize certain specific sections of part 25, including the requirements related to discrete gusts. The harmonization task concerning discrete gusts was completed by the working group and recommendations were submitted to FAA by letter dated October 15, 1993. The FAA concurred with the recommendations and proposed them in Notice of Proposed Rulemaking (NPRM) No. 94–29 which was published in the Federal Register on September 16, 1994, (59 FR 47756).

Discussion of Comments

Comments were received from domestic and foreign aviation manufacturers and foreign airworthiness authorities. The majority of the commenters agreed with the proposal and recommended its adoption. However, some commenters disagreed substantially with the proposal while providing alternative proposals that appeared to merit further consideration by the Aviation Rulemaking Advisory Committee. Therefore the FAA tasked the ARAC Loads and Dynamics Working Group by notice in the Federal Register (60 FR 18874, April 13, 1995) to consider the comments and provide recommendations for the disposition of the comments along with any recommendations for changes to the proposal. The disposition of comments that follows is based on the recommendation submitted to the FAA by ARAC on July 14, 1995.

One commenter suggests that the new method for calculating the minimum V_B results in lower values at altitude than the current method provided in the Joint Aviation Requirements (JAR) and could provide unrealistic margins above the stalling speed. The FAA disagrees. The commenter provides no data or other information that shows the new V_B calculations to be unrealistic. The new method for calculating the minimum V_B is approximately the same as in the current FAR and JAR; the main difference being that revised gust speeds are used in the calculation. These gust speeds are based on actual measurements in aircraft operation and are considered to result in a realistic and conservative V_B speed, even if it is somewhat lower than the current requirements at some altitudes. In addition, a new operational rough air speed, V_{RA}, is provided in order to ensure adequate stall margins while operating in rough air. As part of the effort to harmonize the airworthiness requirements, the JAA is also considering adopting this method of calculating the minimum V_B speeds. This commenter, along with several other, also points out an error in the formula for the design speed for maximum gust intensity, V_B, in § 25.335(d) and this error has been corrected.

One commenter suggests that the proposed tuned gust criteria do not fully account for the dynamic response of the airplane and therefore could produce unconservative results and seriously underpredict the gust design loads. The commenter suggests that the proposal be replaced by an entirely new method of accounting for discrete gusts. This method is known in the industry as the statistical discrete gust method (SDG). In response to the task defined in the Federal Register, the ARAC Loads and Dynamics Working Group considered the commenters comments and the alternate proposal in considerable detail. It is recognized by the working group that the current proposed tuned gust criteria have some limitations and that the suggested SDG method may have some promising applications for predicting gust loads. However, the SDG method is in a developmental stage, and there is currently no established industry process for using this method in predicting gust design loads. The FAA will retain the commenters proposal for possible consideration in future rulemaking actions. In response to the commenters specific concerns, neither ARAC nor the FAA agree that the tuned gust method will result in unconservative design loads. In addition, for the extreme gust gradient distances where the commenter questions the adequacy of the tuned gust method to fully account for dynamic response, the FAA considers that the additional continuous gust criteria of § 25.341(b) will compensate for any possible deficiencies. The commenter provides some comparisons of loads produced by the SDG method with the results of the proposed tuned gust method. These results show no significant differences in overall load levels when all factors are considered, and in some cases the SDG method actually provided lower design loads. Therefore, except for an editorial correction to the mathematical equation noted above, the amendment is adopted as proposed.

Regulatory Evaluation Summary

Regulatory Evaluation, Regulatory Flexibility Determination, and Trade Impact Assessment

Changes to federal regulations must undergo several economic analyses. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the potential benefits to society justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effects of regulatory changes on international trade. In conducting these assessments, the FAA has determined that this rule: (1) will generate benefits exceeding its costs and is not ''significant'' as defined in Executive Order 12866; (2) is not ''significant'' as defined in DOT's Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Costs and Benefits

The changes will have economic consequences. The costs will be the incremental costs of meeting the tuned discrete gust requirements rather than the current static discrete gust requirements. The benefits will be the cost savings from not meeting two different sets of discrete gust requirements, i.e., the requirements in the current FAR and the requirements in the JAR. In order to sell their transport category airplanes in a global marketplace, manufacturers usually certify their products under both sets of regulations.

Industry sources provided information on the additional costs and cost savings that would result from the rule. Based on this information, a range of representative certification costs and savings are shown below. The costs and savings per certification are those related to meeting discrete gust load requirements, including related provisions of the final rule.

PER CERTIFICATION COSTS AND SAVINGS ASSOCIATED WITH REVISED DISCRETE GUST LOAD REQUIREMENTS

[in thousands of dollars]

Current FAA certification requirement costs	$29–$115
Current JAA certification requirement costs	$70–$145
Current joint certification requirement costs	$100–$150
Revised FAA certification requirement costs	$70–$145

PER CERTIFICATION COSTS AND SAVINGS ASSOCIATED WITH REVISED DISCRETE GUST LOAD REQUIREMENTS—Continued

[in thousands of dollars]

Revised joint certification requirement costs	$70–$145
Savings (current joint certification costs minus revised joint certification costs)	$5–$30

The costs and cost savings of specific certifications may vary from these estimates. In all cases where a manufacturer seeks both FAA and JAA certification, however, the cost savings realized through harmonized requirements will outweigh the expected incremental costs of the rule. The FAA did not receive comments concerning this quantification of costs during the comment period; therefore, the FAA holds that these are representative costs and savings.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Federal regulations. The RFA requires agencies to review rules which may have ''a significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines FAA's procedures and criteria for implementing the RFA.

An aircraft manufacturer must employ 75 or fewer employees to be designated as a ''small'' entity. A substantial number of small entities is defined as a number that is 11 or more and which is more than one-third of the small entities subject to a proposed or final rule. None of the manufacturers of transport category airplanes qualify as small entities under this definition. Therefore, the final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The rule will not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services into the United States. The discrete gust load requirements in this rule will harmonize with those of the JAA and will, in fact, lessen the restraints on trade.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various level of government. Thus, in accordance with Executive Order 12612, it is determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

Because the proposed changes to the gust design criteria are not expected to result in a substantial economic cost, the FAA has determined that this proposed regulation would not be significant under Executive Order 12866. Because this is an issue that has not promoted a great deal of public concern, the FAA has determined that this action is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 25, 1979). In addition, since there are no small entities affected by this rulemaking, the FAA certifies that the rule would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since none would be affected. A copy of the regulatory evaluation prepared for this project may be examined in the Rules Docket or obtained fro the person identified under the caption **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety, Gusts.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration (FAA) amends 14 CFR Part 25 of the Federal Aviation Regulations (FAR) as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702 and 44704.

§ 25.305 [Amended]

2. By amending § 25.305 by removing and reserving paragraph (d).

3. By amending § 25.321 by adding new paragraphs (c) and (d) to read as follows:

§ 25.321 General.

* * * * *

(c) Enough points on and within the boundaries of the design envelope must be investigated to ensure that the maximum load for each part of the airplane structure is obtained.

(d) The significant forces acting on the airplane must be placed in equilibrium in a rational or conservative manner. The linear inertia forces must be considered in equilibrium with the thrust and all aerodynamic loads, while the angular (pitching) inertia forces must be considered in equilibrium with thrust and all aerodynamic moments, including moments due to loads on components such as tail surfaces and nacelles. Critical thrust values in the range from zero to maximum continuous thrust must be considered.

4. By amending § 25.331 by revising the title and paragraph (a) introductory text, by removing paragraphs (a) (1) and (2) and redesignating paragraphs (a) (3) and (4) as (a) (1) and (2) respectively and revising them to read as set forth below, and by removing paragraph (d).

§ 25.331 Symmetric maneuvering conditions.

(a) *Procedure.* For the analysis of the maneuvering flight conditions specified in paragraphs (b) and (c) of this section, the following provisions apply:

(1) Where sudden displacement of a control is specified, the assumed rate of control surface displacement may not be less than the rate that could be applied by the pilot through the control system.

(2) In determining elevator angles and chordwise load distribution in the maneuvering conditions of paragraphs (b) and (c) of this section, the effect of corresponding pitching velocities must be taken into account. The in-trim and out-of-trim flight conditions specified in § 25.255 must be considered.

* * * * *

5. By amending § 25.333 by revising the title and paragraph (a) to read as follows, and by removing paragraph (c).

§ 25.333 Flight maneuvering envelope.

(a) *General.* The strength requirements must be met at each combination of airspeed and load factor on and within the boundaries of the representative maneuvering envelope (*V-n* diagram) of paragraph (b) of this section. This envelope must also be used in determining the airplane structural operating limitations as specified in § 25.1501.

* * * * *

6. By amending § 25.335 by revising paragraph (d) to read as follows:

§ 25.335 Design airspeeds.

* * * * *

(d) *Design speed for maximum gust intensity, V_B.*

(1) V_B may not be less than

$$V_{S1}\left[1+\frac{K_g U_{ref} V_c a}{498w}\right]^{1/2}$$

where—

V_{S1}=the 1-g stalling speed based on C_{NAmax} with the flaps retracted at the particular weight under consideration;

V_c=design cruise speed (knots equivalent airspeed);

U_{ref}=the reference gust velocity (feet per second equivalent airspeed) from § 25.341(a)(5)(i);

w=average wing loading (pounds per square foot) at the particular weight under consideration.

$$K_g=\frac{.88\mu}{5.3+\mu}$$

$$\mu=\frac{2w}{\rho cag}$$

ρ=density of air (slugs/ft^3);

c=mean geometric chord of the wing (feet);

g=acceleration due to gravity (ft/sec^2);

a=slope of the airplane normal force coefficient curve, C_{NA} per radian;

(2) At altitudes where V_C is limited by Mach number—

(i) V_B may be chosen to provide an optimum margin between low and high speed buffet boundaries; and,

(ii) V_B need not be greater than V_C.

* * * * *

7. By revising § 25.341 to read as follows:

§ 25.341 Gust and turbulence loads.

(a) *Discrete Gust Design Criteria*. The airplane is assumed to be subjected to symmetrical vertical and lateral gusts in level flight. Limit gust loads must be determined in accordance with the provisions:

(1) Loads on each part of the structure must be determined by dynamic analysis. The analysis must take into account unsteady aerodynamic characteristics and all significant structural degrees of freedom including rigid body motions.

(2) The shape of the gust must be:

$$U=\frac{U_{ds}}{2}\left[1-\text{Cos}\left(\frac{\pi s}{H}\right)\right]$$

for $0 \le s \le 2H$

where—

s=distance penetrated into the gust (feet);

U_{ds}=the design gust velocity in equivalent airspeed specified in paragraph (a)(4) of this section; and

H=the gust gradient which is the distance (feet) parallel to the airplane's flight path for the gust to reach its peak velocity.

(3) A sufficient number of gust gradient distances in the range 30 feet to 350 feet must be investigated to find the critical response for each load quantity.

(4) The design gust velocity must be:

$$U_{ds}=U_{ref}F_g\left(H_{350}\right)^{1/6}$$

where—

U_{ref}=the reference gust velocity in equivalent airspeed defined in paragraph (a)(5) of this section.

F_g=the flight profile alleviation factor defined in paragraph (a)(6) of this section.

(5) The following reference gust velocities apply:

(i) At the airplane design speed V_C: Positive and negative gusts with reference gust velocities of 56.0 ft/sec EAS must be considered at sea level. The reference gust velocity may be reduced linearly from 56.0 ft/sec EAS at sea level to 44.0 ft/sec EAS at 15000 feet. The reference gust velocity may be further reduced linearly from 44.0 ft/sec EAS at 15000 feet to 26.0 ft/sec EAS at 50000 feet.

(ii) At the airplane design speed V_D: The reference gust velocity must be 0.5 times the value obtained under § 25.341(a)(5)(i).

(6) The flight profile alleviation factor, F_g, must be increased linearly from the sea level value to a value of 1.0 at the maximum operating altitude defined in § 25.1527. At sea level, the flight profile alleviation factor is determined by the following equation:

$$F_g=0.5\left(F_{gz}+F_{gm}\right)$$

Where:

$$F_{gm}=1-\frac{Z_{mo}}{250000};$$

$$F_{gm}=\sqrt{R_2\,\text{Tan}\left(\pi R_1/4\right)};$$

$$R_1=\frac{\text{Maximum Landing Weight}}{\text{Taximum Take-off Weight}};$$

$$R_2=\frac{\text{Maximum Zero Fuel Weight}}{\text{Maximum Take-off Weight}};$$

Z_{mo}=Maximum operating altitude defined in § 25.1527.

(7) When a stability augmentation system is included in the analysis, the effect of any significant system nonlinearities should be accounted for when deriving limit loads from limit gust conditions.

(b) *Continuous Gust Design Criteria.* The dynamic response of the airplane to vertical and lateral continuous turbulence must be taken into account. The continuous gust design criteria of Appendix G of this part must be used to establish the dynamic response unless more rational criteria are shown.

8. By amending § 25.343 by revising paragraph (b)(1)(ii) to read as follows:

§ 25.343 Design fuel and oil loads.

(a) * * *

(b) * * *

(1) * * *

(ii) The gust conditions of § 25.341(a) but assuming 85% of the design velocities prescribed in § 25.341(a)(4).

* * * * *

9. By amending § 25.345 by revising paragraphs (a) and (c) to read as follows:

§ 25.345 High lift devices.

(a) If wing flaps are to be used during takeoff, approach, or landing, at the design flap speeds established for these stages of flight under § 25.335(e) and with the wing flaps in the corresponding positions, the airplane is assumed to be subjected to symmetrical maneuvers and gusts. The resulting limit loads must correspond to the conditions determined as follows:

(1) Maneuvering to a positive limit load factor of 2.0; and

(2) Positive and negative gusts of 25 ft/sec EAS acting normal to the flight path in level flight. Gust loads resulting on each part of the structure must be determined by rational analysis. The analysis must take into account the unsteady aerodynamic characteristics and rigid body motions of the aircraft. The shape of the gust must be as described in § 25.341(a)(2) except that—

U_{ds}=25 ft/sec EAS;

H=12.5 c; and

c=mean geometric chord of the wing (feet).

(b) * * *

(c) If flaps or other high lift devices are to be used in en route conditions, and with flaps in the appropriate position at speeds up to the flap design speed chosen for these conditions, the airplane is assumed to be subjected to symmetrical maneuvers and gusts within the range determined by—

(1) Maneuvering to a positive limit load factor as prescribed in § 25.337(b); and

(2) The discrete vertical gust criteria in § 25.341(a).

* * * * *

10. By amending § 25.349 by revising the introductory text and paragraph (b) to read as follows:

§ 25.349 Rolling conditions.

The airplane must be designed for loads resulting from the rolling conditions specified in paragraphs (a) and (b) of this section. Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner, considering the principal masses furnishing the reaching inertia fores.

(a) * * *

(b) *Unsymmetrical gusts.* The airplane is assumed to be subjected to unsymmetrical vertical gusts in level flight. The resulting limit loads must be determined from either the wing maximum airload derived directly from § 25.341(a), or the wing maximum airload derived indirectly from the vertical load factor calculated from § 25.341(a). It must be assumed that 100 percent of the wing air load acts on one side of the airplane and 80 percent of the wing air load acts on the other side.

11. By amending § 25.351 by revising the introductory text and by removing and reserving paragraph (b).

§ 25.351 Yawing conditions.

The airplane must be designed for loads resulting from the conditions specified in paragraph (a) of this section. Unbalanced aerodynamic moments about the center of gravity must be reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces:

* * * * *

12. By revising § 25.371 to read as follows:

§ 25.371 Gyroscopic loads.

The structure supporting the engines and the auxiliary power units must be designed for the gyroscopic loads associated with the conditions specified in §§ 25.331, 25.341(a), 25.349 and 25.351 with the engine or auxiliary power units at maximum continuous rpm.

13. By amending § 25.373 by revising paragraph (a) to read as follows:

§ 25.373 Speed control devices.

* * * * *

(a) The airplane must be designed for the symmetrical maneuvers prescribed in § 25.333 and § 25.337, the yawing maneuvers prescribed in § 25.351, and the vertical and later gust conditions prescribed in § 25.341(a), at each setting and the maximum speed associated with that setting; and

* * * * *

14. By amending § 25.391 by revising the introductory text and paragraph (e) to read as follows:

§ 25.391 Control surface loads: general.

The control surfaces must be designed for the limit loads resulting from the flight conditions in §§ 25.331, 25.341(a), 25.349 and 25.351 and the ground gust conditions in § 25.415, considering the requirements for—

* * * * *

(e) Auxiliary aerodynamic surfaces, in § 25.445.

15. By revising § 25.427 to read as follows:

§ 25.427 Unsymmetrical loads.

(a) In designing the airplane for lateral gust, yaw maneuver and roll maneuver conditions, account must be taken of unsymmetrical loads on the empennage arising from effects such as slipstream and aerodynamic interference with the wing, vertical fin and other aerodynamic surfaces.

(b) The horizontal tail must be assumed to be subjected to unsymmetrical loading conditions determined as follows:

(1) 100 percent of the maximum loading from the symmetrical maneuver conditions of § 25.331 and the vertical gust conditions of § 25.341(a) acting separately on the surface on one side of the plane of symmetry; and

(2) 80 percent of these loadings acting on the other side.

(c) For empennage arrangements where the horizontal tail surfaces have dihedral angles greater than plus or minus 10 degrees, or are supported by the vertical tail surfaces, the surfaces and the supporting structure must be designed for gust velocities specified in § 25.341(a) acting in any orientation at right angles to the flight path.

(d) Unsymmetrical loading on the empennage arising from buffet conditions of § 25.305(e) must be taken into account.

16. By amending § 25.445 by revising the title and revising paragraph (a) to read as follows:

§ 25.445 Auxiliary aerodynamic surfaces.

(a) When significant, the aerodynamic influence between auxiliary aerodynamic surfaces, such as outboard fins and winglets, and their supporting aerodynamic surfaces, must be taken into account for all loading conditions including pitch, roll, and yaw maneuvers, and gusts as specified in § 25.341(a) acting at any orientation at right angles to the flight path.

* * * * *

17. By amending § 25.571 by revising paragraphs (b)(2) and (b)(3) to read as follows:

§ 25.571 Damage-tolerance and fatigue evaluation of structure.

* * * * *

(b) * * *

(2) The limit gust conditions specified in § 25.341 at the specified speeds up to V_C and in § 25.345.

(3) The limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in §§ 25.367 and 25.427 (a) through (c), at speeds up to V_C.

* * * * *

18. By adding a new § 25.1517 to read as follows:

§ 25.1517 Rough air speed, V_{RA}.

A rough air speed, V_{RA}, for use as the recommended turbulence penetration airspeed in § 25.1585(a)(8), must be established, which—

(1) Is not greater than the design airspeed for maximum gust intensity, selected for V_B; and

(2) Is not less than the minimum value of V_B specified in § 25.335(d); and

(3) Is sufficiently less than V_{MO} to ensure that likely speed variation during rough air encounters will not cause the overspeed warning to operate too frequently. In the absence of a rational investigation substantiating the use of other values, V_{RA} must be less than V_{MO}—35 knots (TAS).

Issued in Washington, DC, on February 2, 1996.

David R. Hinson,

Administrator.

[FR Doc. 96–2633 Filed 2–8–96; 8:45 am]

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Part VI

Environmental Protection Agency

40 CFR Part 194

Criteria for the Certification and Re-Certification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR Part 191 Disposal Regulations; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL–5418–5]

RIN 2060–AE30

Criteria for the Certification and Re-Certification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR Part 191 Disposal Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating criteria for determining if the Waste Isolation Pilot Plant (WIPP) will comply with EPA's environmental radiation protection standards for the disposal of radioactive waste. If the Administrator of EPA determines that the WIPP will comply with the standards for disposal, then the Administrator will issue to the Secretary of Energy a certification of compliance which will allow the emplacement of transuranic waste in the WIPP to begin, provided that all other statutory requirements have been met. If a certification is issued, EPA will also use this final rule to determine if the WIPP has remained in compliance with EPA's environmental radiation protection standards, once every five years after the initial receipt of waste for disposal at the WIPP. This rulemaking was mandated by the WIPP Land Withdrawal Act of 1992.

EFFECTIVE DATE: These regulations are effective April 9, 1996. The incorporation of certain publications listed in the regulations is approved by the Director of the Office of the Federal Register as of April 9, 1996. A petition for judicial review of this final action must be filed no later than April 9, 1996 pursuant to section 18 of the WIPP Land Withdrawal Act of 1992 (Pub. L. 102–579).

FOR FURTHER INFORMATION CONTACT: Betsy Forinash, Mary Kruger or Martin Offutt; telephone number (202)–233–9310; address: Radiation Protection Division, Mail Code 6602J, U.S. Environmental Protection Agency, Washington, DC 20460. Copies of the Background Information Document and Economic Impact Analysis which accompany today's action may be obtained at this address. The Agency has also published a document, accompanying today's action, which responds in detail to significant public comments that were received on the proposed rule. This document, entitled ''Response to Comments'' may be obtained by contacting Betsy Forinash.

SUPPLEMENTARY INFORMATION:

Introduction

Purpose of Today's Action

Today's action implements the Environmental Protection Agency's (EPA) environmental radiation protection standards, 40 CFR part 191, by applying them to the proposed disposal of transuranic radioactive waste in the Waste Isolation Pilot Plant (WIPP). The EPA previously promulgated 40 CFR part 191, ''Environmental Radiation Protection Standards for Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes,'' to provide standards that will apply to all sites (except Yucca Mountain) for the deep geologic disposal of highly radioactive waste. Complete descriptions of 40 CFR part 191 were published in the Federal Register in 1985 (50 FR 38066–38089, Sep. 19, 1985) and 1993 (58 Fed. Reg. 66398–66416, Dec. 20, 1993). The WIPP is subject to 40 CFR part 191, and is being constructed by the Department of Energy (DOE) near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste. The EPA is required by the WIPP Land Withdrawal Act of 1992 (Pub. L. 102–579) to evaluate whether the WIPP will comply with subparts B and C of 40 CFR Part 191—known as the ''disposal regulations''—and to issue or deny a certification of compliance. The Department of Energy is required to submit an application to EPA that will be the basis of EPA's evaluation of whether a certification of the WIPP's compliance with the disposal regulations should be issued. The Department of Energy may not begin to emplace transuranic waste underground for disposal at the WIPP until such time as a certification of compliance has been issued and all other requirements of section 7(b) of the WIPP Land Withdrawal Act have been satisfied. With today's rulemaking, the Agency establishes criteria by which to judge whether the WIPP is in compliance with the ''disposal regulations'' and sets forth procedural requirements for this determination.

Today's action, 40 CFR part 194, also applies to the periodic re-certification of the WIPP's compliance with the disposal regulations. The process of periodic re-certification, established by section 8(f) of the WIPP Land Withdrawal Act, calls for EPA to determine whether the WIPP continues to be in compliance with the disposal regulations, assuming that an initial certification of compliance has been issued. The Secretary of Energy must submit to the Administrator of EPA documentation of the WIPP's continued compliance with the disposal regulations, every five years after the initial receipt of transuranic waste for disposal at the WIPP, until the end of the decommissioning phase. The Agency will use the criteria set forth in today's rulemaking in determining whether or not the WIPP will have continued to be in compliance.

The WIPP was authorized in 1980, under section 213 of the Department of Energy National Security and Military Applications of the Nuclear Energy Authorization Act of 1980 (Pub. L. 96–164, 93 Stat. 1259, 1265), ''for the express purpose of providing a research and development facility to demonstrate the safe disposal of radioactive wastes resulting from the defense activities and programs of the United States.'' The waste proposed for disposal in the WIPP, transuranic radioactive waste (TRU waste), is waste consisting of materials such as rags, equipment, tools, protective gear and sludges which have become contaminated during atomic energy defense activities. The WIPP Land Withdrawal Act defines transuranic waste to be waste containing more than 100 nano-curies per gram of alpha-emitting radio-isotopes, with half-lives greater than twenty years and atomic number greater than 92, per gram of waste. The Act further stipulates that radioactive waste shall not be transuranic waste if such waste also meets the definition of high-level radioactive waste, has been specifically exempted from the disposal regulations with the concurrence of the Administrator, or has been approved for an alternate method of disposal by the Nuclear Regulatory Commission. The radioactive component of transuranic waste consists of man-made elements created during the process of nuclear fission, chiefly isotopes of plutonium.

Statutory and Regulatory Basis

Today's action, 40 CFR part 194, was mandated by Congress in section 8(c) of the WIPP Land Withdrawal Act. The criteria promulgated in this action implement only those subparts of 40 CFR part 191 that apply to the disposal of transuranic radioactive waste. As stated in the Code of Federal Regulations, Appendix C of 40 CFR part 191 is guidance for the implementation of the regulations contained in 40 CFR part 191 that is not binding on the implementing agency, which is EPA with respect to the WIPP. Appendix C was designed to apply to all geologic

repositories for the disposal of highly radioactive wastes, not necessarily to the specific site characteristics of the WIPP and not only to transuranic waste. As a result, the Agency found in developing today's action that only some of the guidance contained in Appendix C had specific relevance to the WIPP. Today's action has been guided by only those aspects of Appendix C that the Agency has determined, based on technical and policy considerations, to be applicable to the WIPP.

Today's action, 40 CFR part 194, does not amend 40 CFR part 191. With the Energy Policy Act of 1992, Congress mandated the development of regulations to replace 40 CFR part 191 for the Yucca Mountain site only, but the entire standard, 40 CFR part 191, remains applicable to the WIPP. *See* 106 Stat. 2921, section 801(a)(1). Subpart A of 40 CFR part 191 applies to the management of spent nuclear fuel, high-level and transuranic radioactive wastes at sites designated for the disposal of these wastes. Section 9(a) of the WIPP Land Withdrawal Act stipulates that the Secretary of Energy shall comply with respect to the WIPP with Subpart a of 40 CFR part 191. The Agency has not implemented these requirements in today's action, 40 CFR part 194, but intends to issue guidance for their application to the WIPP at a future date.

Compliance With Other Environmental Laws and Regulations

The WIPP is regulated under the Resource Conservation and Recovery Act (RCRA) and is subject to both the Part B licensing requirements and the land disposal restrictions of that statute. The WIPP must comply with other environmental laws, including, among other statutes, the Clean Air Act (40 U.S.C. 7401 *et seq.*), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.). This action does not affect the need for DOE to comply with these and all other applicable environmental laws with respect to the WIPP.

Public Involvement in Today's Rulemaking

The Agency has taken significant steps to involve the public in the rulemaking for today's action. The EPA published an Advanced Notice of Proposed Rulemaking (ANPR) in February, 1993 (58 FR 8029) which solicited public comment on eight issues central to the development of this final rule. The EPA again solicited public comment on a preliminary draft of the proposed rule, in January, 1994. The Agency published a notice of proposed rule on January 30, 1995, which announced the start of a public comment period of 90 days (60 FR 5766). The Agency convened a technical workshop in February, 1995, for the express purpose of soliciting the views of both scientific experts and the public on issues germane to the rulemaking. In March, 1995, the Agency held public hearings in three cities in New Mexico to solicit public input on the notice of proposed rule. On August 1, 1995, the Agency re-opened the comment period on the notice of proposed rule for an additional 45 days (60 FR 39131). During the entire comment period on the proposed rule, the Agency received over 100 written public comments. The Agency has responded to significant comments received on the notice of proposed rule from both written submissions and from testimony at the public hearings, including late written comments received soon after the close of the second part of the comment period, in a document published concurrently with today's action. In September, 1995, EPA conducted a public meeting of the WIPP Review Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT) on three issues relevant to today's action. During this meeting, members of the public provided formal presentations and oral comments to the committee. See 60 FR 43470–43471 (Aug. 21, 1995).

Summary of the Final Rule

The supporting rationale for today's action, found in the following summary and discussion of principal changes, is further explained in the Background Information Document and the Response to Comments which accompany today's action, copies of which may be obtained as described in the start of this notice. Those sections of the final rule which have remained unchanged since the rule's proposal are also further explained in the notice of proposed rule (60 FR 5766–5791).

Subpart A: General Provisions

Subpart A of the final rule establishes provisions related to the structure of the final rule itself, including: Purpose, scope and applicability; definitions; substitution of alternative provisions for those promulgated in today's final rule; and procedures which shall be followed in communications and written reports submitted by the Secretary of Energy to the Administrator. Further provisions are set forth which incorporate by reference several publications. Publications so incorporated shall have the same legal force and effect as the other requirements of the final rule.

Section 194.4 of subpart A permits the Agency to specify conditions on the issuance of a certification and to issue a modification, suspension or revocation of a certification. The Agency would, for example, specify conditions in the event that the necessary confidence in the WIPP's compliance could be achieved by the implementation of additional measures, or if EPA determines that the WIPP will comply with the disposal regulations if certain terms of the application were to be changed.

The Agency would consider issuing a modification, suspension or revocation whenever the disposal activities or disposal system change such that significant information contained in the most recent compliance application were no longer to remain true. Such a situation may occur if (1) DOE plans to make a significant change to the disposal system or disposal activities, or (2) DOE discovers that a significant change has occurred in the disposal system or disposal activities; in either case DOE must inform the Administrator in writing. If DOE finds the latter condition to be true, then DOE must determine if a release of waste from the disposal system has occurred or is expected to occur that would cause the numerical requirements of the disposal regulations to be exceeded. Releases which might occur during management operations, covered under subpart A of 40 CFR part 191, which do not relate to compliance with the disposal regulations would not necessitate this investigation. However, if DOE conducts this investigation and determines that such a release has occurred or is likely to occur, then DOE shall notify the Administrator of this fact and immediately cease emplacing waste in the WIPP. In such situations, the Administrator will determine which of three actions—modification, suspension or revocation—will be appropriate. Any modifications and revocations issued by EPA would affect the certification issued pursuant to section 8(d)(1) of the WIPP Land Withdrawal Act and must be conducted by rulemaking under section 553 of the Administrative Procedure Act. *See* 5 U.S.C. 553. A suspension may be issued at any time at the Administrator's discretion so as to promptly address any potential threat to public health. A suspension shall remain in place until such time as DOE shall have effected remediations as necessary to re-establish the WIPP's compliance with the disposal regulations or until EPA will

have modified or revoked the certification. DOE shall not restart emplacing waste in the WIPP until the Administrator notifies DOE in writing that the suspension has been lifted.

Subpart B: Compliance Certification and Re-certification Applications

Subpart B of the final rule sets forth requirements for the format and content of compliance applications. Section 194.11 of the final rule stipulates that DOE must submit a complete compliance application before the one-year, statutory review period shall commence. *See* Pub. L. 102–579, section 8(d)(1). Should DOE's initial submission be incomplete, the Administrator will explain the nature of the deficiency and will request DOE to submit further information until the Administrator has notified the Secretary that all materials necessary for a complete application have been received. This process will ensure that the Agency's one-year period will be devoted exclusively to a substantive, meaningful review. This provision applies as well to the compliance applications periodically submitted by DOE for re-certification of compliance. Once the Administrator has notified the Secretary of Energy that a complete compliance application for re-certification has been received, the Agency will commence the six month review period as provided for in section 8(f) of the WIPP Land Withdrawal Act. Section 194.12 requires that 30 copies of the compliance applications and any accompanying materials shall be submitted to the Administrator. Section 194.13 requires that compliance applications be accompanied by any referenced materials, unless such materials are generally available.

Section 194.14 of the final rule lists those elements which the Agency requires to be in a complete compliance application. In general, compliance applications must include information relevant to demonstrating compliance with each of the individual sections of the final rule. The Agency intends to publish the final version of the Compliance Application Guidance (CAG) at a later date to provide detailed guidance on the submission of a complete compliance application.

Section 194.15 of the final rule specifies that DOE must submit any additional information that will have been gathered during the elapsed five-year period and that is relevant to compliance with the disposal regulations. To facilitate the Agency's review of compliance applications for re-certification, today's final rule stipulates that DOE will not have to re-submit information that will have been included in previous compliance applications, provided that the information will have remained true and accurate. The current compliance application should clearly reference such information so that the Agency's review of the section in question can be accomplished expeditiously.

Subpart C: Compliance Certification and Re-certification

Subpart C establishes the requirements that apply to the performance assessments and compliance assessments that will be used to demonstrate compliance with the numerical requirements of the disposal regulations. In addition, subpart C implements the six assurance requirements of the disposal regulations and also establishes seven general requirements in §§ 194.21 through 194.27 which must be met by all portions of and all activities associated with compliance applications.

Section 194.21, inspections, provides EPA with right of inspection of all activities at the WIPP and all activities located off-site which provide information included in compliance applications. The Agency will conduct periodic inspections, both announced and unannounced, to verify the adequacy of information included in the compliance applications. The Agency may conduct its own laboratory tests, in parallel with those conducted by DOE, so as to confirm the adequacy of the techniques employed at those facilities. The Agency may also inspect any relevant records kept by DOE, including those records required to be generated pursuant to today's action.

Section 194.22, quality assurance (QA), sets requirements that apply to data and information collected as part of the WIPP program. The Agency requires quality assurance programs to be implemented, as soon as practicable after April 9, 1996, that meet the requirements of the American Society of Mechanical Engineers (ASME) ''Quality Assurance Program Requirements for Nuclear Facilities'' (NQA–1–1989), ASME's ''Quality Assurance Requirements of Computer Software for Nuclear Facility Applications'' (part 2.7 of NQA–2a–1990 addendum to ASME NQA–2–1989), and ASME's ''Quality Assurance Requirements for the Collection of Scientific and Technical Information on Site Characterization of High-Level Nuclear Waste Repositories,'' (NQA–3–1989 edition), excluding sections 2.1(b), 2.1(c) and 17.1. Section 194.5 of the final rule incorporates these three publications by reference. The Agency believes that ASME's standards offer the most comprehensive and specific set of requirements for nuclear facilities and has therefore used these standards in place of establishing new requirements. Paragraph (a)(2) of § 194.22 requires that DOE must implement a quality assurance program that meets the above three sets of ASME's requirements for seven specific program elements of the WIPP and for any other system, structure, component, or activity important to the containment of waste in the disposal system.

Data that were collected prior to the implementation of the above programs must also satisfy quality assurance requirements. Any compliance application must demonstrate, subject to the approval of the Administrator or the Administrator's authorized representative, that such data were qualified using one or more of the following four methodologies: (1) Use of a methodology that is substantially equivalent in effect to the three sets of ASME's requirements; (2) peer review that is compatible with NUREG–1297; (3) corroborating data; or (4) confirmatory testing. The Agency believes that each of these latter three methods provides a means of inferring the quality of the existing data by subjecting some aspect of that data to additional scrutiny. Peer review involves a critical evaluation by an independent review group of the adequacy with which the experiments used to acquire this data were planned and conducted. The use of corroborating data evaluates the degree to which the existing data agree with data generated from similar work that has already been published in scientific journals, along with an appraisal of the latter's quality. Confirmatory testing involves repeating a small portion of the experiments, using quality assurance methods that meet the requirements of ASME's standards, and comparing the resulting data to the data in question. In the last two alternate methodologies, the level of agreement between the existing data and the corroborating or confirmatory data provides an objective measure to assess the quality of the existing data, if only in part. All quality assurance programs, both for existing data and data that has yet to be collected, must assess the accuracy, precision, representativeness, completeness and comparability of data. To verify that the quality assurance programs satisfy the requirements of this section, the Administrator will conduct inspections which may include surveillance, audits and management systems reviews.

Section 194.23, models and computer codes, sets requirements for the models and computer codes used in

performance assessments and compliance assessments. Compliance applications must demonstrate that performance assessments and compliance assessments make a logical progression from conceptual models to mathematical models to numerical models and finally to computer models and codes. Compliance applications must provide information on and descriptions of models and computer codes which will permit the Agency to conduct a review of the modeling approach, theoretical bases, and the methodology employed in developing the list of processes and events used to support the compliance application. Compliance applications must include evidence that all computer codes comply with the requirements of part 2.7 of ASME's NQA–2a-1990 addendum.

The Agency intends to conduct detailed reviews of the computer codes used in performance and compliance assessments, since it is the results of computer codes themselves that will be compared to the numerical requirements found at section 13 of 40 CFR part 191. Compliance applications must provide: Descriptions of the theoretical backgrounds for each model and the method of analysis or assessment; a line-by-line listing of codes, which may be submitted in electronic format; a discussion of the treatment of correlation between parameters; and other information necessary to permit the Agency to conduct its review. Upon request, DOE must provide the Agency with the means to conduct its own simulations. The final rule requires that any computer files and hardware that will be necessary for performing simulations shall be made available within 30 days of a request from the Administrator or the Administrator's authorized representative.

Section 194.24, waste characterization, has been revised in the final rule. A discussion of the rationale for the changes is contained below in the section of the supplementary information, ''Principal changes in the final rule.'' The final rule requires DOE to identify and describe quantitative information on those physical, chemical and radiologic characteristics of the waste that can influence disposal system performance. The Agency does not expect or require that every drum of transuranic waste be opened in an effort to provide an exhaustive characterization of the contents. Rather, the Agency expects that DOE will sample drums of waste to the extent necessary and will combine the results with other information such as process knowledge to determine the waste characteristics. The level of accuracy needed in waste characterization is determined by the degree of accuracy assumed in the compliance application. A waste characteristic, as defined in the final rule, is a physical or chemical parameter that serves as a quantitative input to performance assessments or compliance assessments, examples of which are solubility and compactibility. DOE must conduct an analysis to identify and assess the impact on long-term performance of those waste characteristics which influence the containment of waste in the disposal system. This section of the final rule lists specific characteristics which must, at a minimum, be included in the analysis.

The final rule requires DOE to establish limits on the quantities of different ''waste components,'' such as cellulosics, metals or activity in curies, that may be proposed for disposal and emplaced in the WIPP. A waste component is distinguished from a waste characteristic in that the former is an amount of a type of waste present in the total inventory— expressed as a volume, mass or weight (or curies, in the case of activity)—whereas the latter is any parameter that describes the physical, chemical or radiologic properties and behavior of some or all of the containers of waste. For example, a container of waste might contain a given quantity of chelating agents, which are a waste component. An example of a corresponding waste characteristic is the solubility in brine of the radionuclides in a container. The final rule requires that DOE establish upper or lower limits, as appropriate, on the total amount of each waste component that may be emplaced for disposal in the WIPP. A lower limit might be specified for gas-gettering waste components, and an upper limit might be specified for cellulosics. The final rule requires that these upper and lower limits be established based on the total inventory proposed for disposal such that the results of a performance assessment will comply with the containment requirements of 40 CFR 191.13 when these values are used.

Performance assessments and compliance assessments must use the values for each waste characteristic as each would exist in the disposal system assuming that an amount of each waste component, equal to that component's upper or lower limit, as appropriate, were emplaced in the WIPP. As waste is emplaced in the WIPP, a running total must be kept of each waste component. The final rule requires that the quantity of each waste component that has been emplaced in the repository shall not cause the upper limits to be exceeded or, as appropriate, shall not preclude the total emplaced quantity of any waste component from eventually reaching its lower limit. Compliance with the lower limits shall be demonstrated by DOE using information on the waste loading scheme, the total amount of that waste component that has been emplaced in the disposal system to date, the total amount of that waste component listed in the total waste inventory described in the current compliance application, and the amount of that waste component that still has yet to be generated. DOE must establish a system of controls to verify that this requirement will be met and shall submit documentation demonstrating this with any compliance application.

Section 194.24 also requires that performance assessments and compliance assessments shall be conducted in accordance with the waste loading procedures and schemes that will be employed. If a waste loading scheme is not included in the compliance application, the performance assessments and compliance assessments must assume that the containers of waste are randomly emplaced in the WIPP. Thus, for example, DOE shall not assume that the waste components and characteristics are evenly distributed throughout the repository unless a proposed loading scheme that would cause this to occur has been included in the current compliance application.

The final rule extends the requirements of § 194.22, on quality assurance, to process knowledge acquired and used during waste characterization activities. The final rule specifies that the total inventory of waste proposed for disposal in the WIPP must comply with the limitations on transuranic waste found in the WIPP Land Withdrawal Act. The final rule enables the Administrator to use audits and inspections to verify compliance with the waste characterization section.

Section 194.25 of the final rule specifies requirements on future state assumptions. The Agency recognizes the inherently conjectural nature of specifications on future states and wishes to minimize such speculation in compliance applications. The Agency has found no acceptable methodology that could make reliable predictions of the future state of society, science, languages or other characteristics of future mankind. The Agency does believe that established scientific methods could make plausible predictions regarding the future state of three classes of natural processes,

namely geologic, hydrogeologic and climatic conditions. Hence, the final rule requires that performance assessments and compliance assessments shall include dynamic analyses of geologic, hydrogeologic and climatic processes and events that will evolve over the 10,000-year regulatory time frame. DOE shall assume that all other present day conditions will exist in their present state for the entire 10,000-year regulatory time frame.

Section 194.26 sets requirements that apply to expert judgment. Typically, expert judgment is used to elicit two types of information: (1) Numerical values for parameters (variables) which are measurable only by experiments that cannot be conducted due to limitations of time, money and physical situation; and (2) essentially unknowable information, such as which features should be incorporated into passive institutional controls that will deter human intrusion into the repository. Quality assurance must be applied to expert judgment to verify that the procedures for conducting and documenting the expert elicitation have been followed. The final rule prohibits expert judgment from being used in place of experimental data unless DOE can provide a justification explaining why the necessary experiments could not be conducted. Expert judgment may substitute for experimental data in those instances where limitations of time, resources or physical setting would have precluded the successful and timely collection of data.

The compliance application must provide documentation which demonstrates that the experts have the necessary qualifications for addressing the questions and issues put before them. Compliance applications must explain the connection between the question posed to the expert panel and the manner in which the final report of the panel is used in the compliance application. These requirements have been included to prevent any misuse of expert judgment as might result from the use of the results of one elicitation process in answer to a new and separate question that was not posed to the experts and for which, if asked, the experts might have provided a different answer.

The final rule places requirements on the composition of the expert panel, including the fraction of panel members who are not employed by DOE. At least two-thirds of the experts sitting on an expert panel shall not be employed directly by DOE or its contractors. University professors with grants from DOE for research not related to the WIPP will not be considered employees or contractors of DOE, nor will the New Mexico Environmental Evaluation Group and the National Academy of Sciences' Board on Radioactive Waste Management and WIPP Panel. In exceptional instances, DOE may use as few as one-third non-DOE employees if a sufficient number of non-DOE employees cannot be found. DOE must submit documentation which demonstrates that a sufficient number of non-DOE experts were not available. In the proposed rule, the Agency had set this minimum at one-half of the expert panel's membership. However, because of the pervasive effort of DOE in the fields of highly radioactive waste disposal and actinide chemistry, the Agency has lessened this requirement in the final rule in striving to balance the importance of technical expertise with the need for the advice to be impartial.

The section on expert judgment requires that the public be given the opportunity to present information to the expert panel to allow the public's views to be incorporated in the expert judgment process. This requirement will help prevent an inappropriately narrow spectrum of background information from being presented to the experts which might have slanted the outcome of the elicitation process. This section also requires that the elicitation process be well documented so as to demonstrate a logical progression from the first statement of the issue given to the panel members to the combination and presentation in the final report of the elicited results.

Section 194.27, peer review, has been revised in the final rule. The rationale for these changes is discussed in the section of the **SUPPLEMENTARY INFORMATION**, ''Principal changes in the final rule.'' Given that decisions in the field of highly radioactive waste disposal are inherently first-of-a-kind, the Agency is requiring peer review so that others working in the field can confirm the adequacy of these decisions and interpretations. The final rule requires DOE to conduct peer review of three specific elements of the WIPP program. In specific, the Agency has required peer review of the conceptual models that DOE selects and develops, waste characterization assessments and the study of engineered barriers. The requirement for peer review of conceptual models will enrich DOE's process of selecting and developing conceptual models with a broad spectrum of scientific viewpoints. Waste characterization is a field in which many new and precedent-setting techniques will be employed in areas in which no standardized practice exists. Peer review of waste characterization is indicated due to the importance of a knowledge of the physical, chemical and radiological state of the waste in predictions of the long term performance of the disposal system. This section, § 194.27, requires peer review to be conducted of the study of engineered barriers so as to ensure that the best possible information is provided to DOE on the selection of engineered barriers. Additionally, this section requires compliance applications to include documentation of any peer review activities that DOE may have conducted apart from those required by this rule, including those activities which are similar to peer review, such as the reviews conducted by the WIPP Panel of the National Academy of Sciences.

The Agency is requiring that peer review which occurs subsequent to the promulgation of today's action must be conducted according to the guidelines of NUREG–1297. The final rule incorporates this publication by reference, as specified in § 194.5. The specific requirements in NUREG–1297 that discuss for which activities peer review should be conducted do not apply, nor do they supersede the requirements of the final rule. Peer review which has been conducted prior to today's action must be documented in compliance applications. Such past peer review activities must conform to either NUREG–1297 or to an alternate set of criterion which are substantially equivalent in effect to NUREG–1297 and which have been approved by the Administrator.

Sections 194.31 through 194.34 of the final rule implement the numerical containment requirements of 40 CFR 191.13. Section 194.31, which provides instructions for setting the release limits of appendix A of 40 CFR part 191, has been revised from the proposed rule. The rationale for this change is explained in the section, ''Principal changes in the final rule.'' Section 194.31 now specifies that the release limits are to be determined based on the total activity, in curies, of transuranic waste present at the time of disposal (as defined in 40 CFR 191.2). If the activity of a waste container is assayed prior to this time, then the known rates of decay for the radionuclides in the container should be used to calculate the activity of the waste as it will exist at the anticipated time of disposal.

Section 194.32 stipulates that performance assessments shall include both natural and man-made processes and events which can have an effect on the disposal system. Performance assessments need not include those processes and events which have a

probability of less than 1 in 10,000 of occurring during the 10,000-year regulatory time frame. For the purposes of this screening requirement, processes and events must be analyzed in the most general formulation possible; for example, the probability of dissolution must be set equal to the probability of all types of dissolution occurring anywhere in the Delaware Basin during the regulatory time frame. Performance assessments should, however, conduct separate analyses of the different dissolution fronts which occur in the Delaware Basin so as to account for the different hydrogeologic characteristics of each.

With respect to man-made processes and events, performance assessments must include the effects of drilling events and excavation mining. Some natural resources in the vicinity of the WIPP can be extracted by mining. These natural resources lie within the geologic formations found at shallower depths than the tunnels and shafts of the repository and do not lie vertically above the repository. Were mining of these resources to occur, this could alter the hydrologic properties of overlying formations—including the most transmissive layer in the disposal system, the Culebra dolomite—so as to either increase or decrease ground-water travel times to the accessible environment. For the purposes of modeling these hydrologic properties, this change can be well represented by making corresponding changes in the values for the hydraulic conductivity. The Agency has conducted a review of the data and scientific literature discussing the effects mining can induce in the hydrologic properties of a formation. Based on its review of available information, the Agency expects that mining can, in some instances, increase the hydraulic conductivity of overlying formations by as much as a factor of 1,000, although smaller or even negligible changes can also be expected to occur. Thus, the final rule requires DOE to consider the effects of mining in performance assessments. In order to consider the effects of mining in performance assessments, DOE may use the location-specific values of hydraulic conductivity, established for the different spatial locations within the Culebra dolomite, and treat them as sampled parameters with each having a range of values varying between unchanged and increased 1,000-fold relative to the value that would exist in the absence of mining.

The Agency recognizes that other numerical changes to the hydraulic conductivity values may be more appropriate for use in representing the effects of mining. Compliance applications must include a discussion of the rationale and experimental data which support the hydraulic conductivity values chosen and the effects of mining on the range of these values. The Agency further recognizes that some parameter other than hydraulic conductivity might be demonstrated to incorporate, equally or perhaps better, the potential effects of mining in performance assessments. DOE may elect to use another parameter, provided that DOE can demonstrate that the use of this other parameter is equally or more appropriate than hydraulic conductivity in reflecting the potential effects of mining on the disposal system. Pursuant to § 194.34 of the final rule, performance assessments must randomly sample across the full range of values that have been established for all uncertain variables, including the hydraulic conductivity of the Culebra dolomite established as discussed above.

The final rule specifies those assumptions and methods that shall be used in performance assessments to account for the effects of mining. As with drilling, the historical record of the past 100 years' mining activity in the Delaware Basin provides a reasonable basis for predicting the nature of future mining activity. Accordingly, the Agency examined the records of past mining of mineral resources in the Delaware Basin, using data supplied by the U.S. Bureau of Land Management. The Agency found that the areal extent of mining in the immediate vicinity of WIPP over the past 100 years covered roughly one percent of the land area of the entire Delaware Basin and used this information to predict the likelihood that a mining event would occur in succeeding centuries. Accordingly, the final rule requires performance assessments to assume that, in each century after closure of the repository, there will be a 1 in 100 chance that a single mining event will occur within the controlled area. As explained later in this section, the assumed mining event would remove all of the existing mineral deposits lying within the controlled area that are of similar quality and type to those minerals currently extracted in the Delaware Basin. For each century during the regulatory time frame, performance assessments should determine whether this mining event will occur, based on the 1 in 100 probability, proceeding one century at a time from the start of the 10,000-year period. If a positive determination is made, then performance assessments must assume that the single mining event occurs at the start of that century and further assume that no mining will occur thereafter. The Department may elect to use an alternate method for calculating the point in time at which mining will occur, provided that such method would not, on average, predict that mining will occur at times later than those calculated using the method in the final rule.

The final rule specifies that mining should be assumed to occur within the controlled area, with the size and shape of the mine conforming to existing mineral deposits that are similar in type and quality to those extracted in the Delaware Basin. The Agency based this requirement on a consideration of the physical nature of mining activities. First, the Agency assumed that the size and shape of a mine will be dictated by the size and shape of the mineral deposits that are to be extracted with no two mines being alike. The mineral deposits that will be mined in the future may consist of minerals of current economic interest, or of materials not useful or valuable in present-day terms. Without knowledge of what these future resources might be, any attempt to predict the size and shape of the associated mineral deposits would be speculative, as would any attempt to determine the size and shape of the mines used to extract them. The Agency further recognized that individual mines are of highly irregular shape and there is every reason to believe that deposits of minerals that are mined in the future will also vary in size and be highly irregular in shape. The Agency believes that no logical mathematical scheme exists that could be used to predict the potentially wide variety of sizes and highly irregular shapes. In light of the speculativeness and mathematical difficulty, the Agency has chosen to use existing mineral deposits as ''stand-ins'' to be used to determine the size and shape of the unknown mineral deposits that might be mined in the future. Thus, the final rule requires performance assessments to assume that all the presently known mineral resources lying within the controlled area will be extracted at the single point in time determined by the method in the final rule, discussed above. No further mining will be assumed to occur, since the available mineral deposits will have been depleted. The type of minerals that shall be assumed to be extracted are those mineral deposits that are similar in quality and type to those that are currently extracted in the Delaware Basin.

Performance assessments may assume that the likelihood of mining may be decreased by PICs and active institutional controls, to the extent that can be justified in the compliance application and to a degree identical to that assumed for drilling. The requirements of sections 41 and 43 of the final rule therefore will apply to the consideration of mining in performance assessments.

Section 194.33, consideration of drilling events, has been revised since the proposed rule. The rationale for the new provisions is explained in the section below, entitled ''Principle changes in the final rule.'' Section 194.2 includes two definitions relevant to the consideration of drilling events. ''Deep drilling'' denotes those drilling events that reach or exceed a depth 2150 feet below the surface where such drilling occurred. ''Shallow drilling'' denotes those drilling events that do not reach to a depth 2150 feet below the surface where such drilling occurred. Sections 194.32 and 194.33 of the final rule require that performance assessments include the effects of both deep drilling and shallow drilling, whether such drilling has occurred prior to the time at which the compliance application is prepared, can be reasonably expected to occur in the near future based on existing leases, or can be expected to occur in the future during the 10,000-year regulatory time frame.

The future rates of both deep drilling and shallow drilling shall each be set equal to the rate at which deep drilling and shallow drilling, respectively, have occurred in the Delaware Basin during the 100-year period immediately prior to the time the current compliance application is prepared. The Delaware Basin is defined, in § 194.2, to be the surface and subsurface features which lie inside the innermost edge of the Capitan Reef and, where the Capitan Reef is absent to the south, the features which lie to the north of a straight line connecting the southeastern point of the Davis Mountains and the southwestern point of the Glass Mountains.

Performance assessments must add together all releases of radionuclides which are predicted to occur during the 10,000-year regulatory time frame to arrive at the cumulative releases from the disposal systems; the containment requirements of 40 CFR 191.13 apply to cumulative releases of waste and not the individual events which cause the releases. Further, boreholes drilled after closure of the repository shall be assumed to affect the properties of the disposal system for the remainder of the 10,000-year regulatory time frame. When analyzing the effects of all later boreholes, performance assessments must account for the effect that these existing boreholes will have had on the hydrogeologic properties of the disposal system and on the creation of new pathways for releases. In today's final rule, the Agency requires that performance assessments and compliance assessments must include—among other processes and events—the effects on the disposal system of drilling and all types of resource extraction activities, including *inter alia* solution mining and fluid injection, that will have occurred prior to the time at which the compliance application is prepared or that may be expected to occur soon afterward based on existing plans and leases for drilling.

In the case of shallow drilling only, DOE may, if justified, derive the drilling rate from the historical rates of shallow drilling for only those resources in the Delaware Basin which are of similar quality and type to those found in the controlled area. For example, if only non-potable water can be found within the controlled area, then the rate of drilling for water may be set equal to the historical rate of drilling for non-potable water in the Delaware Basin over the past 100 years.

Section 194.33 requires performance assessments to make several specific assumptions about future deep drilling and shallow drilling. These assumptions include that drilling will occur randomly in space and time and may occur at different rates for each resource, and that drilling practices will remain as those of today and may vary depending on the resource. Performance assessments should assume that the permeability of sealed boreholes will be affected by natural processes, and should assume that the fraction of boreholes that will be sealed by man equals the fraction of boreholes which are currently sealed in the Delaware Basin.

The Agency recognizes that drill operators currently employ different techniques in the exploration and development of each resource. Hence, performance assessments shall conduct a separate analysis of the effects that future drilling for each different resource—the act creating a borehole—will have on the disposal system. Each separate analysis should set the future rate of drilling for the particular resource equal to the historical rate at which that resource has been drilled for in the Delaware Basin during the past 100 years. The analyses of the consequences of each type of drilling might remain conceptually similar, but vary with regard to assumptions made on size and depth of boreholes, quantity of drilling fluid used, or any other characteristic specific to that type of resource. Analyses of the consequences of future drilling events may be confined only to the drilling activity and the subsequent effect of the borehole's presence and need not include an analysis of extraction and recovery activities which would occur subsequently.

In determining the drilling rate or the amount of waste released from such drilling, performance assessments should not assume that drill operators would detect the waste and then cease the current drilling operations or otherwise mitigate the consequences of their actions. Similarly, drill operators should not be assumed to cease further exploration and development of resources as a result of the driller's detecting the waste.

Section 194.34 requires that the results of performance assessments be expressed as complementary, cumulative distributions functions (CCDFs). The CCDFs shall be generated using random sampling techniques which draw upon the full range of values established for each uncertain parameter, which may include physical and chemical waste characteristics. Parameters of lesser sensitivity in performance assessments may be held constant, provided that such constant values can be justified as sufficiently conservative. The quantitative requirements of this section state that there must be a 0.95 probability that, at values of cumulative release of 1 and 10, the maximum CCDF generated exceeds the 99th percentile of the population of CCDFs. The values of cumulative release are calculated according to Note 6 of Table 1, Appendix A of 40 CFR part 191. Additionally, the mean of the population of CCDFs must meet the requirements of section 13 of 40 CFR part 191 with at least a 95 percent level of statistical confidence. In demonstrating compliance with these standards, the infinite number of CCDFs denoted by the term, population of CCDFs, need not be generated. By generating only a finite number of CCDFs and applying statistical theory, the relationships between the finite group of computer-generated CCDFs, the population of CCDFs and the numerical requirements of this section can be established.

Subpart C of today's action also implements the six assurance requirements of section 14 of 40 CFR part 191. The assurance requirements were included in the disposal regulations to provide the confidence needed for long-term compliance with

the containment requirements of section 13 of 40 CFR part 191.

Section 194.41 of today's final rule requires a description of the active institutional controls that will be implemented at the WIPP. This description shall be sufficient to support any assumptions made on their effectiveness in performance assessments and compliance assessments. However, in no case shall active institutional controls be assumed to be in effect for more than 100 years after the time of disposal.

Section 194.42 of the final rule, monitoring, has been revised from the proposed rule. The rationale for these changes is provided below, in ''Principal changes in the final rule.'' Any unpredicted detection of movement of radionuclides toward the accessible environment would be cause for concern that a release of waste in excess of what is permitted under the disposal regulations is likely to occur. This section specifies requirements for monitoring in both the pre-closure and post-closure periods, as necessary to verify that the WIPP complies with the disposal regulations. In the event that an initial certification has been granted, the results of monitoring during the pre-closure period will be used by the Agency to verify that the information contained in the initial compliance application has remained true and accurate; this information would be used by the Agency during both the initial five-year period after the start of emplacement of waste and during the reviews made for the periodic re-certifications of compliance. The final rule has included a provision which requires DOE to conduct an analysis of parameters that will be used in the development of pre-closure and post-closure monitoring plans. The analysis should consider the importance of the parameter with respect to both the containment of waste in the disposal system and the practicability of performing such monitoring, including its technical feasibility and the cost.

Section 194.43 implements the assurance requirements on passive institutional controls (PICs). The final rule specifies that DOE must include a detailed description of the PICs that will be employed and lists the information that the PICs are required, at a minimum, to convey. Additionally, the final rule allows the Department to reduce the likelihood of future human intrusion that is used in performance assessments by a proposed amount corresponding to the predicted effect of PICs. See generally 47 FR 58196, 58201 (Dec. 29, 1982); 50 FR 38066, 38080 (Sept. 19, 1985). Thus, DOE may propose in its compliance application to reduce the rate of human intrusion by a fractional amount, extending over a technically supportable period of time, and must justify this using the plans for the implementation for PICs and associated evidence of their effectiveness. This credit may take the form of a constant reduction in the rate of human intrusion lasting several hundred years or may be a reduction in the rate which tapers off in size over several hundred years. Such credit cannot be assumed to eliminate completely the possibility of human intrusion, even for a short period of time after the active institutional controls at the WIPP are assumed to be ineffective. During the rulemaking on certification, the Agency could determine that the description of the PICs does not adequately justify the degree of proposed credit assumed by DOE and therefore disallow some or all of the credit proposed by DOE in the compliance application.

Having considered the public comments regarding PICs, the Agency believes that such credit could be no more than approximately 700 years past the time of disposal. Thus, the final rule limits to several hundred years the amount of credit that EPA may grant for PICs. Any determination that a specific numerical credit would be appropriate for a much longer period of time would be unduly speculative and therefore inappropriate.

Today's action should not be construed to approve or award any amount of credit for PICs, as such a determination cannot be made in advance of the rulemaking on certification of compliance. The Agency is deferring any decisions on credit for PICs planned for the WIPP until such time as the compliance application has been received and a rulemaking for certification has been completed. This restates the Agency's prior assertion, made in the promulgation of the final disposal regulations in 1985:

> Specific judgments about the chances and consequences of intrusion should be made by the implementing agencies (EPA for the WIPP) when more information about particular disposal sites and passive control systems is available. *See* 50 FR 38080.

In developing this section of the final rule, 40 CFR 194.43, the Agency considered the treatment of PICs in the disposal regulations, the input received in public forums and the public comments received on the proposed rule. The disposal regulations established the foundation of today's action on the role of passive institutional controls. Section 191.14(c) of the disposal regulations require that disposal sites be designated by the most permanent markers, records, and other passive institutional controls practicable to indicate the dangers of the wastes and their location. In adopting these provisions of the disposal regulations, the Agency expressly assumed that passive institutional controls ''should reduce the chance of inadvertent intrusion compared to the likelihood if no markers and records were in place.'' *See* 50 FR 38080. With respect to performance assessments, the Agency examined whether PICs should be taken into account to some degree when estimating the likelihood of inadvertent human intrusion and concluded that ''a limited role for passive institutional controls would be appropriate when projecting the long-term performance of mined geologic repositories to judge compliance with (the containment requirements of 40 CFR part 191).'' At the same time, the Agency explicitly determined that PICs should not be assumed to completely prevent the possibility of inadvertent human intrusion. See 50 FR 38080.

In the proposed rule, 40 CFR part 194, the Agency specifically requested comment on the requirements on PICs. The Agency conducted a public discussion of PICs in a technical workshop in Washington, DC, in February, 1995. In September, 1995, EPA consulted the WIPP Review Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT) on three issues, including PICs, in a public meeting in New Mexico. See 60 FR 43470–43471 (Aug. 21, 1995). The Committee agreed that PICs would be likely to decrease the likelihood of inadvertent intrusion into the WIPP but expressed concern about the availability of a rigorous method by which to determine the appropriate reduction due to PICs in the future likelihood of inadvertent intrusion. Some members of the Committee stated that, if credit were to be approved, the size of the credit should not reflect that PICs would be effective for more than a small fraction of the 10,000 year regulatory time frame.

Many public comments received on the proposed rule expressed skepticism about whether PICs would be effective for the entire 10,000 year regulatory time frame or for even a fraction thereof. Other comments stated the belief that civilizations living 1,000 to 10,000 years from now would, in fact, be capable of understanding the records and markers that were left behind at the WIPP. Still other comments asserted that, in allowing for the possibility of credit, the Agency had revised the intent of the

assurance requirements, one of which being the requirement for the implementation of PICs. Specifically, comments stated that the assurance requirements were not intended to be considered when determining compliance with the numerical containment requirements found at 40 CFR 191.13.

The provisions of the final rule entertaining possible credit for PICs are within EPA's authority. In adopting the assurance requirements in 40 CFR part 191, EPA expressly limited the credit for active institutional controls. EPA prohibited performance assessments from considering any contributions from active institutional controls for more than 100 years after disposal. See 40 CFR 191.14(a). EPA declined to similarly limit the effect of PICs in reducing the likelihood of human intrusion. 50 FR 38080. By contrast, EPA contemplated that PICs may discourage the likelihood of human intrusion for some period of time longer than active institutional controls. However, EPA indicated that it generally believed it was inappropriate to rely on PICs for extended periods of time. See 50 FR 38080. Based on the public comments and consistent with EPA's general view that it is inappropriate to rely on PICs for very long periods of time, EPA is constraining in the final rule the length of time that EPA could consider granting credit for PICs to several hundred years. EPA's decision about the actual efficacy of PICs proposed for the WIPP will be based on DOE's compliance application but may not exceed this limit.

Further, the degree to which PICs might reduce the future drilling rate can be reliably determined only through informed judgment. The Agency agrees with the NACEPT Committee that no rigorous and non-speculative method is available to determine the appropriate amount of credit for PICs. Thus, DOE's proposed reduction in the likelihood of human intrusion due to PICs would probably be conducted through an expert judgment process that considers the specific PICs to be implemented at the WIPP by DOE. The expert judgment performed specifically to determine the effect of PICs must satisfy the requirements of section 26 of today's action, on expert judgment. For example, this section requires that the range of professions represented on the expert panel must cover the complete spectrum of knowledge that will be necessary to address the question given to the experts. In the case of PICs, the Agency would expect that experts would be selected not only from professions such as archeology, but from professions which are concerned with the exploration and development of natural resources such as oil and natural gas.

Section 194.44 of the final rule implements the assurance requirement on engineered barriers. This section requires that DOE conduct a study of available options for engineered barriers at the WIPP and submit this study and evidence of its use with the compliance application. Consistent with the requirement, found at 40 CFR 191.13, that DOE analyze the performance of the complete disposal system, any engineered barriers that are ultimately implemented at the WIPP must be considered by the Department and, ultimately, EPA when evaluating compliance with both the containment requirements of 40 CFR 191.13 and the assurance requirement of 40 CFR 191.14(d).

Section 194.45 implements the assurance requirement that the disposal system be sited such that the benefits of the natural barriers of the disposal system compensate for the increased probability of disruptions of the disposal system resulting from exploration and development of nearby natural resources. This assurance requirement will be met if performance assessments comply with the numerical containment requirements of section 13 of 40 CFR part 191, provided that the potential effects of human intrusion at the WIPP will have been appropriately considered.

Section 194.46 implements the assurance requirement that the removal of waste remain possible for a reasonable period of time after disposal. The final rule has eliminated the requirement for the development of a plan for the removal of waste which had been contained in the proposed rule. In place of the requirement for a removal plan, EPA is including in the final rule a requirement that DOE perform an evaluation to demonstrate that the removal of waste will remain feasible for a reasonable period of time after disposal.

Sections 194.51 through 194.55 provide the criteria that must be met in order to demonstrate that the WIPP will comply with the ground-water requirements of subpart C of 40 CFR part 191 and the individual protection requirements of section 15 of 40 CFR part 191. Section 194.51 and 194.52 specify the assumptions that must be incorporated into compliance assessments in the analyses of annual committed effective dose equivalent received by individuals, used in determining compliance with the individual protection requirements. Compliance assessments should separately analyze the doses received by individuals from each pathway. Compliance assessments should assume that the protected individual resides at the single geographic point where the maximum dose would be received, calculated by the sum of all pathways.

Section 194.53 lists the assumptions that compliance assessments must include when analyzing the doses received through underground sources of drinking water (USDWs), used in determining compliance with subpart C of 40 CFR part 191. Doses can be received from any USDW outside of the controlled area, provided that a connective pathway could be expected to be established via ground-water travel between the disposal system and that USDW. The Agency expects that USDWs which lie closer to the disposal system will have a greater chance of being affected by releases of waste. The Agency therefore does not intend for DOE to expend resources analyzing doses received from USDWs located large distances from the disposal system. The calculations of doses received from USDWs should assume that drinking water is withdrawn directly from the contaminated USDW and consumed at a rate of two liters per day.

Section 194.54 defines the scope of compliance assessments. Compliance assessments should be conducted of the undisturbed performance of the disposal system, which, by the definition in section 12 of 40 CFR part 191, denotes that the disposal system is not disrupted by human intrusion or the occurrence of unlikely natural events. Section 194.55 requires that compliance assessments include calculations or ''estimates'' of three quantities: (1) The annual committed effective dose received from all pathways, an analysis which corresponds to the requirements of section 15 of 40 CFR part 191; (2) dose equivalents received from USDWs; and (3) concentrations of radionuclides present in USDWs, the latter two of which correspond to subpart C of 40 CFR part 191. To generate a ''range'' of estimates, compliance assessments must make repeated calculations, with each iteration employing a different set of randomly selected values for each uncertain parameter. Parameters of lesser sensitivity in compliance assessments may be held constant, provided that these values can be justified as being sufficiently conservative. The final rule requires that there be a 0.95 probability that the maximum estimate of each set so generated exceeds the 99th percentile of

the population of estimates. The mean and the median of the population of each set of estimates must meet the requirements of section 15 and subpart C of 40 CFR part 191, as applicable, with at least a 95 percent level of statistical confidence.

Subpart D: Public Participation

Subpart D of today's action establishes procedures that EPA will use to involve the public in the decisions on certification and re-certification and requires EPA to publish notices of its actions in the Federal Register. Subpart D includes new provisions which require the Agency to involve the public in decisions to modify or revoke a certification. Section 194.65 requires that EPA publish a notice in the Federal Register announcing the Agency's proposed decision on the modification or revocation of the certification. The notice of proposed rulemaking must solicit comment on the proposed decision. Section 194.66 requires the Administrator to publish a notice of final rulemaking in the Federal Register, announcing whether the Agency has revoked, modified or taken no action to change the certification. Section 194.67 requires that EPA maintain a public docket with all information used in making the decisions on certification, re-certification, and modification and revocation of the certification.

Principal Changes in the Final Rule

In addition to the principal changes described below, today's action contains other minor modifications to the proposed rule. Further discussion of the rationale and information supporting significant changes found in today's action is contained in the Background Information Document and the Response to Comments, which may obtained as explained in the start of this notice.

Scope of Performance Assessments and Consideration of Drilling Events

In §§ 194.32 and 194.33 of the final rule, the Agency has provided further clarification on which activities fall within the scope of human intrusion. (Section 194.33 had been titled ''Consideration of human initiated processes and events'' in the proposed rule.) The final rule requires that the effects of deep drilling, shallow drilling and excavation mining must be included in performance assessments. In the proposed rule, the Agency had excluded excavation mining from consideration (60 FR 5774; January 30, 1995). The Agency received several public comments recommending that performance assessments should be required to include the effects of future mining during the regulatory time frame in order to account for the presence of potash in the vicinity of the repository. The Agency has re-evaluated the proposed exclusion of mining, in light of these public comments. The Agency believes that, while there is uncertainty surrounding the potential effects of mining, mining could nonetheless alter the hydrogeologic properties of certain formations that lie at shallower depths than the mined portion of the repository. Thus, the final rule requires performance assessments to consider the possible effects of excavation mining on the disposal system. As discussed previously, DOE may address this requirement by considering the changes that mining would induce in the hydraulic conductivity of the disposal system. Additionally, the requirements of the final rule specify the method for determining the size and shape, location and point in time at which mining occurs. The Agency specified these items to provide clarification on how mining should be considered and to avoid unbounded speculation that would result from the high uncertainty regarding whether, where and how mining would occur in the Land Withdrawal area. EPA's decision was based on a desire to include mining in performance assessment in a realistic fashion without recourse to such unconstrained speculation. To this end, the final rule has specified that mining will continue at the same rate as it has over the past 100 years, that the area to be mined is the area that contains mineral deposits of similar type and quality to those that are currently extracted in the Delaware Basin, and that only the major impacts on the disposal system of mining need be considered. EPA believes this is consistent with the future states assumptions of section 25 as they apply to the future activities of man.

The Agency has added definitions of deep drilling and shallow drilling in § 194.2. Both types of drilling shall include exploratory and developmental wells. The addition of these definitions was prompted by commenters who noted that the definitions of human intrusion and ''human activity'' that were in the proposed rule had caused confusion by distinguishing their meanings on the basis of the depth at which drilling occurs. In the final rule, the Agency has removed these definitions from the final rule and instead makes use of the defined terms, deep drilling and shallow drilling in order to provide greater clarity.

Commenters also requested that the final rule require analysis of disposal of brine that accumulates during the extraction of oil and of secondary recovery of oil performed using water-flood injection. The Agency considered this comment in the larger context of the nature of potential human intrusions during the next 10,000 years and what assumptions might hold true during that time. The Agency believes that no one resource will last for the entire 10,000 years and therefore has concluded that the techniques for extraction of any one resource—such as water-flood injection for oil recovery—are unlikely to be in use during much of the 10,000-year regulatory time frame. With respect to drilling rates, the Agency reasoned that while the resources drilled for today may not be the same as those drilled for in the future, the present rates at which these boreholes are drilled can nonetheless provide an estimate of the future rate at which boreholes will be drilled. The Agency does expect that drilling will never completely cease; while some resources may become depleted over time and, while the rate of extraction of those resources may decrease, the increased rate of drilling for newly discovered resources will compensate for this decline. In effect, when used for the purpose of determining the future drilling rate, today's drilling activities act as surrogates for the unknown resources that will be drilled for in the future. With respect to the consequence and releases due to future drilling, present-day drilling activities provide the only available basis for making assumptions in performance assessments. Future extraction of any resource will likely necessitate drilling a hole for its recovery. However, because there is doubt as to whether the resources associated with today's specialized extraction techniques and fluid injection will remain available for 10,000 years, the final rule does not require that performance assessments assume that such extraction activities will occur during the entire regulatory time frame, but does require that the effects of the drilling events themselves be analyzed. The techniques include, for example, water-flood injection for secondary recovery of oil, solution mining and the disposal by injection of brine accumulated during recovery of oil.

The Agency recognizes, however, that resource extraction and fluid injection activities which are currently performed in the Delaware Basin can alter the hydrogeologic properties of the initial state of the disposal system. The final

rule requires that performance assessments and compliance assessments analyze the effects of all types of fluid-injection and all boreholes which can have an effect on the disposal system and which have been or will have been drilled prior to or soon after disposal. These boreholes shall be assumed to affect the properties of the disposal system for the entire 10,000-year regulatory time frame. Predictions about such future activities shall be strictly limited to the expected use of existing leases.

Today's final rule eliminates the proposed cap on the rate of deep drilling into the disposal system of 62.5 boreholes per square kilometer per 10,000 years as well as the proposed lower limit of 25 boreholes per square kilometer per 10,000 years. The Agency received numerous public comments objecting to the use of upper and lower limits on the rate of deep drilling. The Agency has concluded that the rate of drilling into the disposal system used in performance assessments covering the 10,000-year regulatory time frame should be derived solely from the historical record of drilling in the region surrounding the WIPP. In the proposed rule, the Agency had specified that the past 50 years of records on drilling shall be used to establish the rates for shallow drilling and deep drilling, the latter being subject to upper and lower caps. While developing the final rule, the Agency recognized that drilling activity has been at a maximum during the past 50 years, whereas during the past 100 years, a broader spectrum of high and low drilling rates can be found. In the long-term future, it can be expected that the drilling rate will consist of periods of high and low drilling activity, which makes the past 100 years a more appropriate period for calculating the drilling rate. In addition, more detailed examination of the available records in Texas and New Mexico since the time of the proposed rule has shown that accurate data on drilling activity dates back 100 years, rather than 50 years as was believed initially. The final rule therefore specifies that the rates of both shallow drilling and deep drilling are to be set based on data from the 100 year period ending at the time DOE prepares the compliance application.

Today's final rule includes a definition of the term ''Delaware Basin,'' used in the regulation to be that area over which the past drilling rate is to be averaged in order to establish the rate of drilling used in performance assessments. In the proposed rule, the Agency had solicited comment on how to define the Delaware Basin. Many comments were received, with the bulk of the discussion focusing on whether the Capitan Reef should be included in the definition. In arriving at the definition in the final rule, the Agency considered the geologic and hydrogeologic characteristics of the formations which contain the WIPP versus those of the Capitan Reef. The Capitan Reef is more permeable to the flow of water and was formed from organic material which differs from the salt formations which immediately surround the WIPP. The Agency had stated its intention to define the Delaware Basin to be the largest contiguous area that has similar geologic properties. Because of the differences, noted above, between the Capitan Reef and the interior formations, the Agency has chosen to define the Delaware Basin to be those surface and subsurface formations which lie inside the inner-most edge of the Capitan Reef. Where the Capitan Reef is absent to the south, the Delaware Basin includes those features which lie to the north of a straight line connecting the southeastern point of the Davis Mountains and the southwestern point of the Glass Mountains.

Waste Characterization

Numerous public comments were received on the proposed § 194.24, waste characterization. Commenters stated that this section required greater clarity in order to be implemented effectively at the WIPP. The final rule retains the use of ''waste characteristics'' to provide a description of the waste. The term, waste categories, has been eliminated in the final rule. The final rule uses the term, ''waste components,'' to denote an amount of a type of waste—expressed as a volume, mass or weight (or curies, in the case of activity)—such as chelating agents and cellulosics. The waste categories in the proposed rule were to be established based on the assumption that wastes with similar waste characteristics would behave similarly in the disposal system. The Agency believes that using instead the term ''waste components'' provides a less abstract scheme for classifying waste which could be more easily implemented. In particular, the Agency believes that, for a given container of waste, DOE could more readily identify how much of each waste component is present rather than how much of each waste category is present. The final rule requires that these limits be established such that the results of performance assessments and compliance assessments will comply with the numerical requirements of 40 CFR Part 191 when the maximum or minimum values for each waste component are used, as appropriate.

To assist in establishing the waste characteristics and waste components and quantitative values of each, the final rule requires that compliance applications include an analysis to identify and assess the impact on long-term performance of those waste characteristics which influence the containment of waste in the disposal system. An analysis must also be conducted of waste components to determine which of these will influence the waste characteristics identified as having an influence on containment. This section of the final rule specifies those waste characteristics and waste components which, at a minimum, the respective analyses must investigate.

Peer Review

Section 194.26, peer review, has been narrowed in scope in the final rule. The Agency received many public comments stating that the requirements on peer review were stated too broadly such that an inordinate and unmanageable number of peer reviews would be required. Additionally, commenters noted that many of the activities that the proposed rule had required to be peer reviewed were subject to specific quality assurance requirements under § 194.22. Public comments noted that, in this instance, the proposed peer review requirements would be redundant with the quality assurance requirements. Such activities would include the computer codes and the data used to support all models—conceptual, mathematical and numerical—and computer codes.

The Agency consulted the WIPP Review Committee of NACEPT at the September, 1995 meeting and sought its advice on how to address peer review. The Committee suggested that peer review of quality assurance programs would be unnecessary, since, by requiring DOE to adhere to a program that meets the requirements of three sets of ASME's standards, today's action would already be sufficient to control the quality assurance process. The Agency agrees with both the Committee and with similar public comment and has eliminated the requirement for peer review of quality assurance programs and plans. The Committee also stated that peer review could be used both to insure that analyses use the correct model of repository behavior and to evaluate the subjective uncertainty in whether the appropriate conceptual model was selected. In the case of WIPP, unanimous agreement does not exist on the nature of the conceptual models of natural processes such as dissolution

which can have an effect on the disposal system. To subject these issues to wider scrutiny, the final rule specifies that peer review must be conducted of the conceptual models selected and developed by DOE.

Application of Release Limits

Section 194.31 of the final rule specifies that the release limits of Appendix A of 40 CFR part 191 shall be determined based on the total activity, in curies, of transuranic waste present at the time of disposal. Public comment was divided between those who recommended setting release limits at 100 years, as in the proposed rule, and those who recommended the time of disposal. The Agency solicited the views of the WIPP Review Committee of NACEPT on the subject of release limits in the meeting held in September, 1995. Some committee members noted that radionuclides such as plutonium 238 would quickly decay to less than half their original number in under 100 years and thus would not pose a threat for more than a small fraction of the 10,000-year regulatory time frame. Hence, some members of the committee recommended the option of setting the release limits at later times so that the release limits would be based on longer-lived radionuclides. Doing so would more accurately reflect the long-term hazards presented by the waste.

Some committee members also recommended that the Agency should base its decision on the original intent of the disposal regulations. The Agency believes that the disposal regulations were designed to avoid the undue influence of short-lived radionuclides on the size of the release limits. The disposal regulations accomplished this purpose in Appendix A by eliminating the contribution of radionuclides having half-lives of less than twenty years. The Agency has therefore chosen in the final rule to determine release limits based on the total activity, in curies, of transuranic waste present at the time of disposal.

Monitoring

The monitoring requirements have been modified to provide clearer direction for the development of a post-closure monitoring plan. Several commenters suggested that, by requiring that post-closure monitoring be conducted in a manner ''compatible'' with RCRA, DOE might be forced to implement two over-lapping monitoring programs in order to comply with both RCRA hazardous waste regulations and 40 CFR part 194. Other commenters noted that, in the event that RCRA monitoring at the WIPP were to be modified or eliminated, the requirement in 40 CFR Part 194 as proposed would be correspondingly reduced. To provide clearer direction on the performance of post-closure monitoring, the Agency has made two changes in the final rule. First, to eliminate potential overlap, the Agency is requiring that post-closure monitoring be required to be ''complementary'' with RCRA, so that information yielded by the one monitoring program would not be duplicated by the other. The Agency is requiring in the final rule that post-closure monitoring be conducted, to the extent practicable when considering technical feasibility and cost, of those parameters which are important to the containment of waste in the disposal system. Such parameters shall be identified in a required analysis that will assess which parameters are important to the containment of waste and which therefore should be included in post-closure (and pre-closure) monitoring.

Rulemaking Analyses

Executive Order 12866

Under Executive Order 12866, (58 FR 51,735 October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a ''significant regulatory action'' because it raises novel policy issues which arise from legal mandates. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities. Today's final rule sets forth requirements which apply only to Federal agencies and the Administrator therefore certifies that no small entities will be affected.

Paperwork Reduction Act

The EPA has determined that this proposed rule contains no information collection requirements as defined by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*).

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The rule implements requirements specifically set forth by the Congress in the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102–579).

List of Subjects in 40 CFR Part 194

Administrative practice and procedure, Environmental protection, Incorporation by reference Nuclear materials, Radionuclides, Plutonium, Radiation protection, Uranium, Transuranics, Waste treatment and disposal.

Dated: February 1, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, 40 CFR part 194 is added as set forth below.

PART 194—CRITERIA FOR THE CERTIFICATION AND RE-CERTIFICATION OF THE WASTE ISOLATION PILOT PLANT'S COMPLIANCE WITH THE 40 CFR PART 191 DISPOSAL REGULATIONS

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Authority: The Waste Isolation Pilot Plant Land Withdrawal Act of 1992, Pub.L. 102–579, 106 Stat. 4777; Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011–2296; Reorganization Plan No. 3 of 1970, 5 U.S.C. app.1; Nuclear Waste Policy Act of 1982, as amended, 42 U.S.C. 10101–10270.

Subpart A—General Provisions

§ 194.1 Purpose, scope and applicability.

This part specifies criteria for the certification or any re-certification, or subsequent actions relating to the terms or conditions of certification of the Department of Energy's Waste Isolation Pilot Plant's compliance with the disposal regulations found at part 191 of this chapter and pursuant to section 8(d)(1) and section 8(f), respectively, of the WIPP LWA. The compliance certification application submitted pursuant to section 8(d)(1) of the WIPP LWA and any compliance re-certification application submitted pursuant to section 8(f) of the WIPP LWA shall comply with the requirements of this part.

§ 194.2 Definitions.

Unless otherwise indicated in this part, all terms have the same meaning as in part 191 of this chapter.

Certification means any action taken by the Administrator pursuant to section 8(d)(1) of the WIPP LWA.

Compliance application(s) means the compliance certification application submitted to the Administrator pursuant to section 8(d)(1) of the WIPP LWA or any compliance re-certification applications submitted to the Administrator pursuant to section 8(f) of the WIPP LWA.

Compliance assessment(s) means the analysis conducted to determine compliance with § 191.15, and part 191, subpart C of this chapter.

Delaware Basin means those surface and subsurface features which lie inside the boundary formed to the north, east and west of the disposal system by the innermost edge of the Capitan Reef, and formed, to the south, by a straight line drawn from the southeastern point of the Davis Mountains to the most southwestern point of the Glass Mountains.

Deep drilling means those drilling events in the Delaware Basin that reach or exceed a depth of 2,150 feet below the surface relative to where such drilling occurred.

Department means the United States Department of Energy.

Disposal regulations means part 191, subparts B and C of this chapter.

Management systems review means the qualitative assessment of a data collection operation or organization(s) to establish whether the prevailing quality management structure, policies, practices, and procedures are adequate to ensure that the type and quality of data needed are obtained.

Modification means action(s) taken by the Administrator that alters the terms or conditions of certification pursuant to section 8(d)(1) of the WIPP LWA. Modification of any certification shall comply with this part and part 191 of this chapter.

Population of CCDFs means all possible complementary, cumulative distribution functions (CCDFs) that can be generated from all disposal system parameter values used in performance assessments.

Population of estimates means all possible estimates of radiation doses and radionuclide concentrations that can be generated from all disposal system parameter values used in compliance assessments.

Quality assurance means those planned and systematic actions necessary to provide adequate confidence that the disposal system will comply with the disposal regulations set forth in part 191 of this chapter. Quality assurance includes quality control, which comprises those actions related to the physical characteristics of a material, structure, component, or system that provide a means to control the quality of the material, structure, component, or system to predetermined requirements.

Re-certification means any action taken by the Administrator pursuant to section 8(f) of the WIPP LWA.

Regulatory time frame means the time period beginning at disposal and ending 10,000 years after disposal.

Revocation means any action taken by the Administrator to terminate the certification pursuant to section 8(d)(1) of the WIPP LWA.

Secretary means the Secretary of Energy.

Shallow drilling means those drilling events in the Delaware Basin that do not reach a depth of 2,150 feet below the surface relative to where such drilling occurred.

Suspension means any action taken by the Administrator to withdraw, for a limited period of time, the certification pursuant to section 8(d)(1) of the WIPP LWA.

Waste means the radioactive waste, radioactive material and coincidental material subject to the requirements of part 191 of this chapter.

Waste characteristic means a property of the waste that has an impact on the containment of waste in the disposal system.

Waste component means an ingredient of the total inventory of the waste that influences a waste characteristic.

WIPP means the Waste Isolation Pilot Plant, as authorized pursuant to section 213 of the Department of Energy National Security and Military

Applications of Nuclear Energy Authorization Act of 1980 (Pub.L. 96–164; 93 Stat. 1259, 1265).

WIPP LWA means the Waste Isolation Pilot Plant Land Withdrawal Act of 1992 (Pub.L. 102–579, 106 Stat. 4777).

§ 194.3 Communications.

(a) Compliance application(s) shall be:

(1) Addressed to the Administrator; and

(2) Signed by the Secretary.

(b) Communications and reports concerning the criteria in this part shall be:

(1) Addressed to the Administrator or the Administrator's authorized representative; and

(2) Signed by the Secretary or the Secretary's authorized representative.

§ 194.4 Conditions of compliance certification.

(a) Any certification of compliance issued pursuant to section 8(d)(1) of the WIPP LWA may include such conditions as the Administrator finds necessary to support such certification.

(b) Whether stated therein or not, the following conditions shall apply in any such certification:

(1) The certification shall be subject to modification, suspension or revocation by the Administrator. Any suspension of the certification shall be done at the discretion of the Administrator. Any modification or revocation of the certification shall be done by rule pursuant to 5 U.S.C. 553. If the Administrator revokes the certification, the Department shall retrieve, as soon as practicable and to the extent practicable, any waste emplaced in the disposal system.

(2) Any time after the Administrator issues a certification, the Administrator or the Administrator's authorized representative may submit a written request to the Department for information to enable the Administrator to determine whether the certification should be modified, suspended or revoked. Unless otherwise specified by the Administrator or the Administrator's authorized representative, the Department shall submit such information to the Administrator or the Administrator's authorized representative within 30 calendar days of receipt of the request.

(3) Any time after the Administrator issues a certification, the Department shall report any planned or unplanned changes in activities or conditions pertaining to the disposal system that differ significantly from the most recent compliance application.

(i) The Department shall inform the Administrator, in writing, prior to making such a planned change in activity or disposal system condition.

(ii) In the event of an unplanned change in activity or condition, the Department shall immediately cease emplacement of waste in the disposal system if the Department determines that one or more of the following conditions is true:

(A) The containment requirements established pursuant to § 191.13 of this chapter have been or are expected to be exceeded;

(B) Releases from already-emplaced waste lead to committed effective doses that are or are expected to be in excess of those established pursuant to § 191.15 of this chapter. For purposes of this paragraph (b)(3)(ii)(B), emissions from operations covered pursuant to part 191, subpart A of this chapter are not included; or

(C) Releases have caused or are expected to cause concentrations of radionuclides or estimated doses due to radionuclides in underground sources of drinking water in the accessible environment to exceed the limits established pursuant to part 191, subpart C of this chapter.

(iii) If the Department determines that a condition described in paragraph (b)(3)(ii) of this section has occurred or is expected to occur, the Department shall notify the Administrator, in writing, within 24 hours of the determination. Such notification shall, to the extent practicable, include the following information:

(A) Identification of the location and environmental media of the release or the expected release;

(B) Identification of the type and quantity of waste (in activity in curies of each radionuclide) released or expected to be released;

(C) Time and date of the release or the estimated time of the expected release;

(D) Assessment of the hazard posed by the release or the expected release; and

(E) Additional information requested by the Administrator or the Administrator's authorized representative.

(iv) The Department may resume emplacement of waste in the disposal system upon written notification that the suspension has been lifted by the Administrator.

(v) If the Department discovers a condition or activity that differs significantly from what is indicated in the most recent compliance application, but does not involve conditions or activities listed in paragraph (b)(3)(ii) of this section, then the difference shall be reported, in writing, to the Administrator within 10 calendar days of its discovery.

(vi) Following receipt of notification, the Administrator will notify the Secretary in writing whether any condition or activity reported pursuant to paragraph (b)(3) this section:

(A) Does not comply with the terms of the certification; and, if it does not comply,

(B) Whether the compliance certification must be modified, suspended or revoked. The Administrator or the Administrator's authorized representative may request additional information before determining whether modification, suspension or revocation of the compliance certification is required.

(4) Not later than six months after the Administrator issues a certification, and at least annually thereafter, the Department shall report to the Administrator, in writing, any changes in conditions or activities pertaining to the disposal system that were not required to be reported by paragraph (b)(3) of this section and that differ from information contained in the most recent compliance application.

§ 194.5 Publications incorporated by reference.

(a) The following publications are incorporated into this part by reference:

(1) U.S. Nuclear Regulatory Commission, NUREG–1297 ''Peer Review for High-Level Nuclear Waste Repositories,'' published February 1988; incorporation by reference (IBR) approved for §§ 194.22, 194.23 and 194.27.

(2) American Society of Mechanical Engineers (ASME) Nuclear Quality Assurance (NQA) Standard, NQA–1–1989 edition, ''Quality Assurance Program Requirements for Nuclear Facilities;'' IBR approved for § 194.22.

(3) ASME NQA–2a–1990 addenda, part 2.7, to ASME NQA–2–1989 edition ''Quality Assurance Requirements for Nuclear Facility Applications;'' IBR approved for § 194.22 and § 194.23.

(4) ASME NQA–3–1989 edition, ''Quality Assurance Program Requirements for the Collection of Scientific and Technical Information for Site Characterization of High-Level Nuclear Waste Repositories'' (excluding section 2.1 (b) and (c)); IBR approved for § 194.22.

(b) The publications listed in paragraph (a) of this section were approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected or obtained from the Air Docket, Docket No. A–92–56, room M1500 (LE131),

U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or copies may be inspected at the Office of the Federal Register, 800 N. Capitol Street NW, 7th floor, Suite 700, Washington, DC, or copies may be obtained from the following addresses:

(1) For ASME standards, contact American Society of Mechanical Engineers, 22 Law Drive, P.O. Box 2900, Fairfield, NJ 07007–2900, phone 1–800–843–2763.

(2) For Nuclear Regulatory Commission documents, contact Division of Information Support Services, Distribution Service, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or contact National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, phone 703–487–4650.

§ 194.6 Alternative provisions.

The Administrator may, by rule pursuant to 5 U.S.C. 553, substitute for any of the provisions of this part alternative provisions chosen after:

(a) The alternative provisions have been proposed for public comment in the Federal Register together with information describing how the alternative provisions comport with the disposal regulations, the reasons why the existing provisions of this part appear inappropriate, and the costs, risks and benefits of compliance in accordance with the alternative provisions;

(b) A public comment period of at least 120 days has been completed and public hearings have been held in New Mexico;

(c) The public comments received have been fully considered; and

(d) A notice of final rulemaking is published in the Federal Register.

§ 194.7 Effective date.

The criteria in this part shall be effective on April 9, 1996. The incorporation by reference of certain publications listed in the criteria is approved by the Director of the Federal Register as of April 9, 1996.

Subpart B—Compliance Certification and Re-certification Applications

§ 194.11 Completeness and accuracy of compliance applications.

Information provided to the Administrator in support of any compliance application shall be complete and accurate. The Administrator's evaluation for certification pursuant to section 8(d)(1)(B) of the WIPP LWA and evaluation for recertification pursuant to section 8(f)(2) of the WIPP LWA shall not begin until the Administrator has notified the Secretary, in writing, that a complete application in accordance with this part has been received.

§ 194.12 Submission of compliance applications.

Unless otherwise specified by the Administrator or the Administrator's authorized representative, 30 copies of any compliance application, any accompanying materials, and any amendments thereto shall be submitted in a printed form to the Administrator.

§ 194.13 Submission of reference materials.

Information may be included by reference into compliance application(s), provided that the references are clear and specific and that, unless otherwise specified by the Administrator or the Administrator's authorized representative, 10 copies of the referenced information are submitted to the Administrator. Referenced materials which are widely available in standard textbooks or reference books need not be submitted.

§ 194.14 Content of compliance certification application.

Any compliance application shall include:

(a) A current description of the natural and engineered features that may affect the performance of the disposal system. The description of the disposal system shall include, at a minimum, the following information:

(1) The location of the disposal system and the controlled area;

(2) A description of the geology, geophysics, hydrogeology, hydrology, and geochemistry of the disposal system and its vicinity and how these conditions are expected to change and interact over the regulatory time frame. Such description shall include, at a minimum:

(i) Existing fluids and fluid hydraulic potential, including brine pockets, in and near the disposal system; and

(ii) Existing higher permeability anhydrite interbeds located at or near the horizon of the waste.

(3) The presence and characteristics of potential pathways for transport of waste from the disposal system to the accessible environment including, but not limited to: Existing boreholes, solution features, breccia pipes, and other potentially permeable features, such as interbeds.

(4) The projected geophysical, hydrogeologic and geochemical conditions of the disposal system due to the presence of waste including, but not limited to, the effects of production of heat or gases from the waste.

(b) A description of the design of the disposal system including:

(1) Information on materials of construction including, but not limited to: Geologic media, structural materials, engineered barriers, general arrangement, and approximate dimensions; and

(2) Computer codes and standards that have been applied to the design and construction of the disposal system.

(c) Results of assessments conducted pursuant to this part.

(d) A description of input parameters associated with assessments conducted pursuant to this part and the basis for selecting those input parameters.

(e) Documentation of measures taken to meet the assurance requirements of this part.

(f) A description of waste acceptance criteria and actions taken to assure adherence to such criteria.

(g) A description of background radiation in air, soil and water in the vicinity of the disposal system and the procedures employed to determine such radiation.

(h) One or more topographic map(s) of the vicinity of the disposal system. The contour interval shall be sufficient to show clearly the pattern of surface water flow in the vicinity of the disposal system. The map(s) shall include standard map notations and symbols, and, in addition, shall show boundaries of the controlled area and the location of any active, inactive, and abandoned injection and withdrawal wells in the controlled area and in the vicinity of the disposal system.

(i) A description of past and current climatologic and meteorologic conditions in the vicinity of the disposal system and how these conditions are expected to change over the regulatory time frame.

(j) The information required elsewhere in this part or any additional information, analyses, tests, or records determined by the Administrator or the Administrator's authorized representative to be necessary for determining compliance with this part.

§ 194.15 Content of compliance re-certification application(s).

(a) In submitting documentation of continued compliance pursuant to section 8(f) of the WIPP LWA, the previous compliance application shall be updated to provide sufficient information for the Administrator to determine whether or not the WIPP continues to be in compliance with the disposal regulations. Updated documentation shall include:

(1) All additional geologic, geophysical, geochemical, hydrologic, and meteorologic information;

(2) All additional monitoring data, analyses and results;

(3) All additional analyses and results of laboratory experiments conducted by the Department or its contractors as part of the WIPP program;

(4) An identification of any activities or assumptions that deviate from the most recent compliance application;

(5) A description of all waste emplaced in the disposal system since the most recent compliance certification or re-certification application. Such description shall consist of a description of the waste characteristics and waste components identified in §§ 194.24(b)(1) and 194.24(b)(2);

(6) Any significant information not previously included in a compliance certification or re-certification application related to whether the disposal system continues to be in compliance with the disposal regulations; and

(7) Any additional information requested by the Administrator or the Administrator's authorized representative.

(b) To the extent that information required for a re-certification of compliance remains valid and has been submitted in previous certification or re-certification application(s), such information need not be duplicated in subsequent applications; such information may be summarized and referenced.

Subpart C—Compliance Certification and Re-certification

General Requirements

§ 194.21 Inspections.

(a) The Administrator or the Administrator's authorized representative(s) shall, at any time:

(1) Be afforded unfettered and unannounced access to inspect any area of the WIPP, and any locations performing activities that provide information relevant to compliance application(s), to which the Department has rights of access. Such access shall be equivalent to access afforded Department employees upon presentation of credentials and other required documents.

(2) Be allowed to obtain samples, including split samples, and to monitor and measure aspects of the disposal system and the waste proposed for disposal in the disposal system.

(b) Records (including data and other information in any form) kept by the Department pertaining to the WIPP shall be made available to the Administrator or the Administrator's authorized representative upon request. If requested records are not immediately available, they shall be delivered within 30 calendar days of the request.

(c) The Department shall, upon request by the Administrator or the Administrator's authorized representative, provide permanent, private office space that is accessible to the disposal system. The office space shall be for the exclusive use of the Administrator or the Administrator's authorized representative(s).

(d) The Administrator or the Administrator's authorized representative(s) shall comply with applicable access control measures for security, radiological protection, and personal safety when conducting activities pursuant to this section.

§ 194.22 Quality assurance.

(a)(1) As soon as practicable after April 9, 1996, the Department shall adhere to a quality assurance program that implements the requirements of ASME NQA–1–1989 edition, ASME NQA–2a-1990 addenda, part 2.7, to ASME NQA–2–1989 edition, and ASME NQA–3–1989 edition (excluding Section 2.1 (b) and (c), and Section 17.1). (Incorporation by reference as specified in § 194.5.)

(2) Any compliance application shall include information which demonstrates that the quality assurance program required pursuant to paragraph (a)(1) of this section has been established and executed for:

(i) Waste characterization activities and assumptions;

(ii) Environmental monitoring, monitoring of the performance of the disposal system, and sampling and analysis activities;

(iii) Field measurements of geologic factors, ground water, meteorologic, and topographic characteristics;

(iv) Computations, computer codes, models and methods used to demonstrate compliance with the disposal regulations in accordance with the provisions of this part;

(v) Procedures for implementation of expert judgment elicitation used to support applications for certification or re-certification of compliance;

(vi) Design of the disposal system and actions taken to ensure compliance with design specifications;

(vii) The collection of data and information used to support compliance application(s); and

(viii) Other systems, structures, components, and activities important to the containment of waste in the disposal system.

(b) Any compliance application shall include information which demonstrates that data and information collected prior to the implementation of the quality assurance program required pursuant to paragraph (a)(1) of this section have been qualified in accordance with an alternate methodology, approved by the Administrator or the Administrator's authorized representative, that employs one or more of the following methods: Peer review, conducted in a manner that is compatible with NUREG–1297, ''Peer Review for High-Level Nuclear Waste Repositories,'' published February 1988 (incorporation by reference as specified in § 194.5); corroborating data; confirmatory testing; or a quality assurance program that is equivalent in effect to ASME NQA–1–1989 edition, ASME NQA–2a–1990 addenda, part 2.7, to ASME NQA–2–1989 edition, and ASME NQA–3–1989 edition (excluding Section 2.1 (b) and (c) and Section 17.1). (Incorporation by reference as specified in § 194.5.)

(c) Any compliance application shall provide, to the extent practicable, information which describes how all data used to support the compliance application have been assessed for their quality characteristics, including:

(1) Data accuracy, i.e., the degree to which data agree with an accepted reference or true value;

(2) Data precision, i.e., a measure of the mutual agreement between comparable data gathered or developed under similar conditions expressed in terms of a standard deviation;

(3) Data representativeness, i.e., the degree to which data accurately and precisely represent a characteristic of a population, a parameter, variations at a sampling point, or environmental conditions;

(4) Data completeness, i.e., a measure of the amount of valid data obtained compared to the amount that was expected; and

(5) Data comparability, i.e., a measure of the confidence with which one data set can be compared to another.

(d) Any compliance application shall provide information which demonstrates how all data are qualified for use in the demonstration of compliance.

(e) The Administrator will verify appropriate execution of quality assurance programs through inspections, record reviews and record keeping requirements, which may include, but may not be limited to, surveillance, audits and management systems reviews.

§ 194.23 Models and computer codes.

(a) Any compliance application shall include:

(1) A description of the conceptual models and scenario construction used to support any compliance application.

(2) A description of plausible, alternative conceptual model(s) seriously considered but not used to support such application, and an explanation of the reason(s) why such model(s) was not deemed to accurately portray performance of the disposal system.

(3) Documentation that:

(i) Conceptual models and scenarios reasonably represent possible future states of the disposal system;

(ii) Mathematical models incorporate equations and boundary conditions which reasonably represent the mathematical formulation of the conceptual models;

(iii) Numerical models provide numerical schemes which enable the mathematical models to obtain stable solutions;

(iv) Computer models accurately implement the numerical models; i.e., computer codes are free of coding errors and produce stable solutions;

(v) Conceptual models have undergone peer review according to § 194.27.

(b) Computer codes used to support any compliance application shall be documented in a manner that complies with the requirements of ASME NQA–2a–1990 addenda, part 2.7, to ASME NQA–2–1989 edition. (Incorporation by reference as specified in § 194.5.)

(c) Documentation of all models and computer codes included as part of any compliance application performance assessment calculation shall be provided. Such documentation shall include, but shall not be limited to:

(1) Descriptions of the theoretical backgrounds of each model and the method of analysis or assessment;

(2) General descriptions of the models; discussions of the limits of applicability of each model; detailed instructions for executing the computer codes, including hardware and software requirements, input and output formats with explanations of each input and output variable and parameter (e.g., parameter name and units); listings of input and output files from a sample computer run; and reports on code verification, benchmarking, validation, and quality assurance procedures;

(3) Detailed descriptions of the structure of computer codes and complete listings of the source codes;

(4) Detailed descriptions of data collection procedures, sources of data, data reduction and analysis, and code input parameter development;

(5) Any necessary licenses; and

(6) An explanation of the manner in which models and computer codes incorporate the effects of parameter correlation.

(d) The Administrator or the Administrator's authorized representative may verify the results of computer simulations used to support any compliance application by performing independent simulations. Data files, source codes, executable versions of computer software for each model, other material or information needed to permit the Administrator or the Administrator's authorized representative to perform independent simulations, and access to necessary hardware to perform such simulations, shall be provided within 30 calendar days of a request by the Administrator or the Administrator's authorized representative.

§ 194.24 Waste characterization.

(a) Any compliance application shall describe the chemical, radiological and physical composition of all existing waste proposed for disposal in the disposal system. To the extent practicable, any compliance application shall also describe the chemical, radiological and physical composition of to-be-generated waste proposed for disposal in the disposal system. These descriptions shall include a list of waste components and their approximate quantities in the waste. This list may be derived from process knowledge, current non-destructive examination/assay, or other information and methods.

(b) The Department shall submit in the compliance certification application the results of an analysis which substantiates:

(1) That all waste characteristics influencing containment of waste in the disposal system have been identified and assessed for their impact on disposal system performance. The characteristics to be analyzed shall include, but shall not be limited to: Solubility; formation of colloidal suspensions containing radionuclides; production of gas from the waste; shear strength; compactability; and other waste-related inputs into the computer models that are used in the performance assessment.

(2) That all waste components influencing the waste characteristics identified in paragraph (b)(1) of this section have been identified and assessed for their impact on disposal system performance. The components to be analyzed shall include, but shall not be limited to: metals; cellulosics; chelating agents; water and other liquids; and activity in curies of each isotope of the radionuclides present.

(3) Any decision to exclude consideration of any waste characteristic or waste component because such characteristic or component is not expected to significantly influence the containment of the waste in the disposal system.

(c) For each waste component identified and assessed pursuant to paragraph (b) of this section, the Department shall specify the limiting value (expressed as an upper or lower limit of mass, volume, curies, concentration, etc.), and the associated uncertainty (i.e., margin of error) for each limiting value, of the total inventory of such waste proposed for disposal in the disposal system. Any compliance application shall:

(1) Demonstrate that, for the total inventory of waste proposed for disposal in the disposal system, WIPP complies with the numeric requirements of § 194.34 and § 194.55 for the upper or lower limits (including the associated uncertainties), as appropriate, for each waste component identified in paragraph (b)(2) of this section, and for the plausible combinations of upper and lower limits of such waste components that would result in the greatest estimated release.

(2) Identify and describe the method(s) used to quantify the limits of waste components identified in paragraph (b)(2) of this section.

(3) Provide information which demonstrates that the use of process knowledge to quantify components in waste for disposal conforms with the quality assurance requirements found in § 194.22.

(4) Provide information which demonstrates that a system of controls has been and will continue to be implemented to confirm that the total amount of each waste component that will be emplaced in the disposal system will not exceed the upper limiting value or fall below the lower limiting value described in the introductory text of paragraph (c) of this section. The system of controls shall include, but shall not be limited to: Measurement; sampling; chain of custody records; record keeping systems; waste loading schemes used; and other documentation.

(5) Identify and describe such controls delineated in paragraph (c)(4) of this section and confirm that they are applied in accordance with the quality assurance requirements found in § 194.22.

(d) The Department shall include a waste loading scheme in any compliance application, or else performance assessments conducted

pursuant to § 194.32 and compliance assessments conducted pursuant to § 194.54 shall assume random placement of waste in the disposal system.

(e) Waste may be emplaced in the disposal system only if the emplaced components of such waste will not cause:

(1) The total quantity of waste in the disposal system to exceed the upper limiting value, including the associated uncertainty, described in the introductory text to paragraph (c) of this section; or

(2) The total quantity of waste that will have been emplaced in the disposal system, prior to closure, to fall below the lower limiting value, including the associated uncertainty, described in the introductory text to paragraph (c) of this section.

(f) Waste emplacement shall conform to the assumed waste loading conditions, if any, used in performance assessments conducted pursuant to § 194.32 and compliance assessments conducted pursuant to § 194.54.

(g) The Department shall demonstrate in any compliance application that the total inventory of waste emplaced in the disposal system complies with the limitations on transuranic waste disposal described in the WIPP LWA.

(h) The Administrator will use inspections and records reviews, such as audits, to verify compliance with this section.

§ 194.25 Future state assumptions.

(a) Unless otherwise specified in this part or in the disposal regulations, performance assessments and compliance assessments conducted pursuant the provisions of this part to demonstrate compliance with § 191.13, § 191.15 and part 191, subpart C shall assume that characteristics of the future remain what they are at the time the compliance application is prepared, provided that such characteristics are not related to hydrogeologic, geologic or climatic conditions.

(b) In considering future states pursuant to this section, the Department shall document in any compliance application, to the extent practicable, effects of potential future hydrogeologic, geologic and climatic conditions on the disposal system over the regulatory time frame. Such documentation shall be part of the activities undertaken pursuant to § 194.14, Content of compliance certification application; § 194.32, Scope of performance assessments; and § 194.54, Scope of compliance assessments.

(1) In considering the effects of hydrogeologic conditions on the disposal system, the Department shall document in any compliance application, to the extent practicable, the effects of potential changes to hydrogeologic conditions.

(2) In considering the effects of geologic conditions on the disposal system, the Department shall document in any compliance application, to the extent practicable, the effects of potential changes to geologic conditions, including, but not limited to: Dissolution; near surface geomorphic features and processes; and related subsidence in the geologic units of the disposal system.

(3) In considering the effects of climatic conditions on the disposal system, the Department shall document in any compliance application, to the extent practicable, the effects of potential changes to future climate cycles of increased precipitation (as compared to present conditions).

§ 194.26 Expert judgment.

(a) Expert judgment, by an individual expert or panel of experts, may be used to support any compliance application, provided that expert judgment does not substitute for information that could reasonably be obtained through data collection or experimentation.

(b) Any compliance application shall:

(1) Identify any expert judgments used to support the application and shall identify experts (by name and employer) involved in any expert judgment elicitation processes used to support the application.

(2) Describe the process of eliciting expert judgment, and document the results of expert judgment elicitation processes and the reasoning behind those results. Documentation of interviews used to elicit judgments from experts, the questions or issues presented for elicitation of expert judgment, background information provided to experts, and deliberations and formal interactions among experts shall be provided. The opinions of all experts involved in each elicitation process shall be provided whether the opinions are used to support compliance applications or not.

(3) Provide documentation that the following restrictions and guidelines have been applied to any selection of individuals used to elicit expert judgments:

(i) Individuals who are members of the team of investigators requesting the judgment or the team of investigators who will use the judgment were not selected; and

(ii) Individuals who maintain, at any organizational level, a supervisory role or who are supervised by those who will utilize the judgment were not selected.

(4) Provide information which demonstrates that:

(i) The expertise of any individual involved in expert judgment elicitation comports with the level of knowledge required by the questions or issues presented to that individual; and

(ii) The expertise of any expert panel, as a whole, involved in expert judgment elicitation comports with the level and variety of knowledge required by the questions or issues presented to that panel.

(5) Explain the relationship among the information and issues presented to experts prior to the elicitation process, the elicited judgment of any expert panel or individual, and the purpose for which the expert judgment is being used in compliance applications(s).

(6) Provide documentation that the initial purpose for which expert judgment was intended, as presented to the expert panel, is consistent with the purpose for which this judgment was used in compliance application(s).

(7) Provide documentation that the following restrictions and guidelines have been applied in eliciting expert judgment:

(i) At least five individuals shall be used in any expert elicitation process, unless there is a lack or unavailability of experts and a documented rationale is provided that explains why fewer than five individuals were selected.

(ii) At least two-thirds of the experts involved in an elicitation shall consist of individuals who are not employed directly by the Department or by the Department's contractors, unless the Department can demonstrate and document that there is a lack or unavailability of qualified independent experts. If so demonstrated, at least one-third of the experts involved in an elicitation shall consist of individuals who are not employed directly by the Department or by the Department's contractors.

(c) The public shall be afforded a reasonable opportunity to present its scientific and technical views to expert panels as input to any expert elicitation process.

§ 194.27 Peer review.

(a) Any compliance application shall include documentation of peer review that has been conducted, in a manner required by this section, for:

(1) Conceptual models selected and developed by the Department;

(2) Waste characterization analyses as required in § 194.24(b); and

(3) Engineered barrier evaluation as required in § 194.44.

(b) Peer review processes required in paragraph (a) of this section, and conducted subsequent to the promulgation of this part, shall be conducted in a manner that is compatible with NUREG–1297, ''Peer Review for High-Level Nuclear Waste Repositories,'' published February 1988. (Incorporation by reference as specified in § 194.5.)

(c) Any compliance application shall:

(1) Include information that demonstrates that peer review processes required in paragraph (a) of this section, and conducted prior to the implementation of the promulgation of this part, were conducted in accordance with an alternate process substantially equivalent in effect to NUREG–1297 and approved by the Administrator or the Administrator's authorized representative; and

(2) Document any peer review processes conducted in addition to those required pursuant to paragraph (a) of this section. Such documentation shall include formal requests, from the Department to outside review groups or individuals, to review or comment on any information used to support compliance applications, and the responses from such groups or individuals.

Containment Requirements

§ 194.31 Application of release limits.

The release limits shall be calculated according to part 191, appendix A of this chapter, using the total activity, in curies, that will exist in the disposal system at the time of disposal.

§ 194.32 Scope of performance assessments.

(a) Performance assessments shall consider natural processes and events, mining, deep drilling, and shallow drilling that may affect the disposal system during the regulatory time frame.

(b) Assessments of mining effects may be limited to changes in the hydraulic conductivity of the hydrogeologic units of the disposal system from excavation mining for natural resources. Mining shall be assumed to occur with a one in 100 probability in each century of the regulatory time frame. Performance assessments shall assume that mineral deposits of those resources, similar in quality and type to those resources currently extracted from the Delaware Basin, will be completely removed from the controlled area during the century in which such mining is randomly calculated to occur. Complete removal of such mineral resources shall be assumed to occur only once during the regulatory time frame.

(c) Performance assessments shall include an analysis of the effects on the disposal system of any activities that occur in the vicinity of the disposal system prior to disposal and are expected to occur in the vicinity of the disposal system soon after disposal. Such activities shall include, but shall not be limited to, existing boreholes and the development of any existing leases that can be reasonably expected to be developed in the near future, including boreholes and leases that may be used for fluid injection activities.

(d) Performance assessments need not consider processes and events that have less than one chance in 10,000 of occurring over 10,000 years.

(e) Any compliance application(s) shall include information which:

(1) Identifies all potential processes, events or sequences and combinations of processes and events that may occur during the regulatory time frame and may affect the disposal system;

(2) Identifies the processes, events or sequences and combinations of processes and events included in performance assessments; and

(3) Documents why any processes, events or sequences and combinations of processes and events identified pursuant to paragraph (e)(1) of this section were not included in performance assessment results provided in any compliance application.

§ 194.33 Consideration of drilling events in performance assessments.

(a) Performance assessments shall examine deep drilling and shallow drilling that may potentially affect the disposal system during the regulatory time frame.

(b) The following assumptions and process shall be used in assessing the likelihood and consequences of drilling events, and the results of such process shall be documented in any compliance application:

(1) Inadvertent and intermittent intrusion by drilling for resources (other than those resources provided by the waste in the disposal system or engineered barriers designed to isolate such waste) is the most severe human intrusion scenario.

(2) In performance assessments, drilling events shall be assumed to occur in the Delaware Basin at random intervals in time and space during the regulatory time frame.

(3) The frequency of deep drilling shall be calculated in the following manner:

(i) Identify deep drilling that has occurred for each resource in the Delaware Basin over the past 100 years prior to the time at which a compliance application is prepared.

(ii) The total rate of deep drilling shall be the sum of the rates of deep drilling for each resource.

(4) The frequency of shallow drilling shall be calculated in the following manner:

(i) Identify shallow drilling that has occurred for each resource in the Delaware Basin over the past 100 years prior to the time at which a compliance application is prepared.

(ii) The total rate of shallow drilling shall be the sum of the rates of shallow drilling for each resource.

(iii) In considering the historical rate of all shallow drilling, the Department may, if justified, consider only the historical rate of shallow drilling for resources of similar type and quality to those in the controlled area.

(c) Performance assessments shall document that in analyzing the consequences of drilling events, the Department assumed that:

(1) Future drilling practices and technology will remain consistent with practices in the Delaware Basin at the time a compliance application is prepared. Such future drilling practices shall include, but shall not be limited to: The types and amounts of drilling fluids; borehole depths, diameters, and seals; and the fraction of such boreholes that are sealed by humans; and

(2) Natural processes will degrade or otherwise affect the capability of boreholes to transmit fluids over the regulatory time frame.

(d) With respect to future drilling events, performance assessments need not analyze the effects of techniques used for resource recovery subsequent to the drilling of the borehole.

§ 194.34 Results of performance assessments.

(a) The results of performance assessments shall be assembled into ''complementary, cumulative distribution functions'' (CCDFs) that represent the probability of exceeding various levels of cumulative release caused by all significant processes and events.

(b) Probability distributions for uncertain disposal system parameter values used in performance assessments shall be developed and documented in any compliance application.

(c) Computational techniques, which draw random samples from across the entire range of the probability distributions developed pursuant to paragraph (b) of this section, shall be used in generating CCDFs and shall be documented in any compliance application.

(d) The number of CCDFs generated shall be large enough such that, at cumulative releases of 1 and 10, the maximum CCDF generated exceeds the 99th percentile of the population of CCDFs with at least a 0.95 probability. Values of cumulative release shall be calculated according to Note 6 of Table 1, Appendix A of Part 191 of this chapter.

(e) Any compliance application shall display the full range of CCDFs generated.

(f) Any compliance application shall provide information which demonstrates that there is at least a 95 percent level of statistical confidence that the mean of the population of CCDFs meets the containment requirements of § 191.13 of this chapter.

Assurance Requirements

§ 194.41 Active institutional controls.

(a) Any compliance application shall include detailed descriptions of proposed active institutional controls, the controls' location, and the period of time the controls are proposed to remain active. Assumptions pertaining to active institutional controls and their effectiveness in terms of preventing or reducing radionuclide releases shall be supported by such descriptions.

(b) Performance assessments shall not consider any contributions from active institutional controls for more than 100 years after disposal.

§ 194.42 Monitoring.

(a) The Department shall conduct an analysis of the effects of disposal system parameters on the containment of waste in the disposal system and shall include the results of such analysis in any compliance application. The results of the analysis shall be used in developing plans for pre-closure and post-closure monitoring required pursuant to paragraphs (c) and (d) of this section. The disposal system parameters analyzed shall include, at a minimum:

(1) Properties of backfilled material, including porosity, permeability, and degree of compaction and reconsolidation;

(2) Stresses and extent of deformation of the surrounding roof, walls, and floor of the waste disposal room;

(3) Initiation or displacement of major brittle deformation features in the roof or surrounding rock;

(4) Ground water flow and other effects of human intrusion in the vicinity of the disposal system;

(5) Brine quantity, flux, composition, and spatial distribution;

(6) Gas quantity and composition; and

(7) Temperature distribution.

(b) For all disposal system parameters analyzed pursuant to paragraph (a) of this section, any compliance application shall document and substantiate the decision not to monitor a particular disposal system parameter because that parameter is considered to be insignificant to the containment of waste in the disposal system or to the verification of predictions about the future performance of the disposal system.

(c) Pre-closure monitoring. To the extent practicable, pre-closure monitoring shall be conducted of significant disposal system parameter(s) as identified by the analysis conducted pursuant to paragraph (a) of this section. A disposal system parameter shall be considered significant if it affects the system's ability to contain waste or the ability to verify predictions about the future performance of the disposal system. Such monitoring shall begin as soon as practicable; however, in no case shall waste be emplaced in the disposal system prior to the implementation of pre-closure monitoring. Pre-closure monitoring shall end at the time at which the shafts of the disposal system are backfilled and sealed.

(d) Post-closure monitoring. The disposal system shall, to the extent practicable, be monitored as soon as practicable after the shafts of the disposal system are backfilled and sealed to detect substantial and detrimental deviations from expected performance and shall end when the Department can demonstrate to the satisfaction of the Administrator that there are no significant concerns to be addressed by further monitoring. Post-closure monitoring shall be complementary to monitoring required pursuant to applicable federal hazardous waste regulations at parts 264, 265, 268, and 270 of this chapter and shall be conducted with techniques that do not jeopardize the containment of waste in the disposal system.

(e) Any compliance application shall include detailed pre-closure and post-closure monitoring plans for monitoring the performance of the disposal system. At a minimum, such plans shall:

(1) Identify the parameters that will be monitored and how baseline values will be determined;

(2) Indicate how each parameter will be used to evaluate any deviations from the expected performance of the disposal system; and

(3) Discuss the length of time over which each parameter will be monitored to detect deviations from expected performance.

§ 194.43 Passive institutional controls.

(a) Any compliance application shall include detailed descriptions of the measures that will be employed to preserve knowledge about the location, design, and contents of the disposal system. Such measures shall include:

(1) Identification of the controlled area by markers that have been designed and will be fabricated and emplaced to be as permanent as practicable;

(2) Placement of records in the archives and land record systems of local, State, and Federal governments, and international archives, that would likely be consulted by individuals in search of unexploited resources. Such records shall identify:

(i) The location of the controlled area and the disposal system;

(ii) The design of the disposal system;

(iii) The nature and hazard of the waste;

(iv) Geologic, geochemical, hydrologic, and other site data pertinent to the containment of waste in the disposal system, or the location of such information; and

(v) The results of tests, experiments, and other analyses relating to backfill of excavated areas, shaft sealing, waste interaction with the disposal system, and other tests, experiments, or analyses pertinent to the containment of waste in the disposal system, or the location of such information.

(3) Other passive institutional controls practicable to indicate the dangers of the waste and its location.

(b) Any compliance application shall include the period of time passive institutional controls are expected to endure and be understood.

(c) The Administrator may allow the Department to assume passive institutional control credit, in the form of reduced likelihood of human intrusion, if the Department demonstrates in the compliance application that such credit is justified because the passive institutional controls are expected to endure and be understood by potential intruders for the time period approved by the Administrator. Such credit, or a smaller credit as determined by the Administrator, cannot be used for more than several hundred years and may decrease over time. In no case, however, shall passive institutional controls be assumed to eliminate the likelihood of human intrusion entirely.

§ 194.44 Engineered barriers.

(a) Disposal systems shall incorporate engineered barrier(s) designed to prevent or substantially delay the movement of water or radionuclides toward the accessible environment.

(b) In selecting any engineered barrier(s) for the disposal system, the Department shall evaluate the benefit and detriment of engineered barrier alternatives, including but not limited to: Cementation, shredding, supercompaction, incineration, vitrification, improved waste canisters, grout and bentonite backfill, melting of metals, alternative configurations of waste placements in the disposal system, and alternative disposal system dimensions. The results of this evaluation shall be included in any compliance application and shall be used to justify the selection and rejection of each engineered barrier evaluated.

(c)(1) In conducting the evaluation of engineered barrier alternatives, the following shall be considered, to the extent practicable:

(i) The ability of the engineered barrier to prevent or substantially delay the movement of water or waste toward the accessible environment;

(ii) The impact on worker exposure to radiation both during and after incorporation of engineered barriers;

(iii) The increased ease or difficulty of removing the waste from the disposal system;

(iv) The increased or reduced risk of transporting the waste to the disposal system;

(v) The increased or reduced uncertainty in compliance assessment;

(vi) Public comments requesting specific engineered barriers;

(vii) The increased or reduced total system costs;

(viii) The impact, if any, on other waste disposal programs from the incorporation of engineered barriers (e.g., the extent to which the incorporation of engineered barriers affects the volume of waste);

(ix) The effects on mitigating the consequences of human intrusion.

(2) If, after consideration of one or more of the factors in paragraph (c)(1) of this section, the Department concludes that an engineered barrier considered within the scope of the evaluation should be rejected without evaluating the remaining factors in paragraph (c)(1) of this section, then any compliance application shall provide a justification for this rejection explaining why the evaluation of the remaining factors would not alter the conclusion.

(d) In considering the ability of engineered barriers to prevent or substantially delay the movement of water or radionuclides toward the accessible environment, the benefit and detriment of engineered barriers for existing waste already packaged, existing waste not yet packaged, existing waste in need of re-packaging, and to-be-generated waste shall be considered separately and described.

(e) The evaluation described in paragraphs (b), (c) and (d) of this section shall consider engineered barriers alone and in combination.

§ 194.45 Consideration of the presence of resources.

Any compliance application shall include information that demonstrates that the favorable characteristics of the disposal system compensate for the presence of resources in the vicinity of the disposal system and the likelihood of the disposal system being disturbed as a result of the presence of those resources. If performance assessments predict that the disposal system meets the containment requirements of § 191.13 of this chapter, then the Agency will assume that the requirements of this section and § 191.14(e) of this chapter have been fulfilled.

§ 194.46 Removal of waste.

Any compliance application shall include documentation which demonstrates that removal of waste from the disposal system is feasible for a reasonable period of time after disposal. Such documentation shall include an analysis of the technological feasibility of mining the sealed disposal system, given technology levels at the time a compliance application is prepared.

Individual and Ground-water Protection Requirements

§ 194.51 Consideration of protected individual.

Compliance assessments that analyze compliance with § 191.15 of this chapter shall assume that an individual resides at the single geographic point on the surface of the accessible environment where that individual would be expected to receive the highest dose from radionuclide releases from the disposal system.

§ 194.52 Consideration of exposure pathways.

In compliance assessments that analyze compliance with § 191.15 of this chapter, all potential exposure pathways from the disposal system to individuals shall be considered. Compliance assessments with part 191, subpart C and § 191.15 of this chapter shall assume that individuals consume 2 liters per day of drinking water from any underground source of drinking water in the accessible environment.

§ 194.53 Consideration of underground sources of drinking water.

In compliance assessments that analyze compliance with part 191, subpart C of this chapter, all underground sources of drinking water in the accessible environment that are expected to be affected by the disposal system over the regulatory time frame shall be considered. In determining whether underground sources of drinking water are expected to be affected by the disposal system, underground interconnections among bodies of surface water, ground water, and underground sources of drinking water shall be considered.

§ 194.54 Scope of compliance assessments.

(a) Any compliance application shall contain compliance assessments required pursuant to this part. Compliance assessments shall include information which:

(1) Identifies potential processes, events, or sequences of processes and events that may occur over the regulatory time frame;

(2) Identifies the processes, events, or sequences of processes and events included in compliance assessment results provided in any compliance application; and

(3) Documents why any processes, events, or sequences of processes and events identified pursuant to paragraph (a)(1) of this section were not included in compliance assessment results provided in any compliance application.

(b) Compliance assessments of undisturbed performance shall include the effects on the disposal system of:

(1) Existing boreholes in the vicinity of the disposal system, with attention to the pathways they provide for migration of radionuclides from the site; and

(2) Any activities that occur in the vicinity of the disposal system prior to or soon after disposal. Such activities shall include, but shall not be limited to: Existing boreholes and the development of any existing leases that can be reasonably expected to be developed in the near future, including boreholes and leases that may be used for fluid injection activities.

§ 194.55 Results of compliance assessments.

(a) Compliance assessments shall consider and document uncertainty in the performance of the disposal system.

(b) Probability distributions for uncertain disposal system parameter values used in compliance assessments shall be developed and documented in any compliance application.

(c) Computational techniques which draw random samples from across the entire range of values of each probability distribution developed pursuant to paragraph (b) of this section shall be used to generate a range of:

(1) Estimated committed effective doses received from all pathways pursuant to § 194.51 and § 194.52;

(2) Estimated radionuclide concentrations in USDWs pursuant to § 194.53; and

(3) Estimated dose equivalent received from USDWs pursuant to § 194.52 and § 194.53.

(d) The number of estimates generated pursuant to paragraph (c) of this section shall be large enough such that the maximum estimates of doses and concentrations generated exceed the 99th percentile of the population of estimates with at least a 0.95 probability.

(e) Any compliance application shall display:

(1) The full range of estimated radiation doses; and

(2) The full range of estimated radionuclide concentrations.

(f) Any compliance application shall document that there is at least a 95 percent level of statistical confidence that the mean and the median of the range of estimated radiation doses and the range of estimated radionuclide concentrations meet the requirements of § 191.15 and part 191, subpart C of this chapter, respectively.

Subpart D—Public Participation

§ 194.61 Advance notice of proposed rulemaking for certification.

(a) Upon receipt of a compliance application submitted pursuant to section 8(d)(1) of the WIPP LWA and § 194.11, the Agency will publish in the Federal Register an Advance Notice of Proposed Rulemaking announcing that a compliance application has been received, soliciting comment on such application, and announcing the Agency's intent to conduct a rulemaking to certify whether the WIPP facility will comply with the disposal regulations.

(b) A copy of the compliance application will be made available for inspection in Agency dockets established pursuant to § 194.67.

(c) The notice will provide a public comment period of 120 days.

(d) A public hearing concerning the notice will be held if a written request is received by the Administrator or the Administrator's authorized representative within 30 calendar days of the date of publication pursuant to paragraph (a) of this section.

(e) Any comments received on the notice will be made available for inspection in the dockets established pursuant to § 194.67.

(f) Any comments received on the notice will be provided to the Department and the Department may submit to the Agency written responses to the comments.

§ 194.62 Notice of proposed rulemaking for certification.

(a) The Administrator will publish a Notice of Proposed Rulemaking in the Federal Register announcing the Administrator's proposed decision, pursuant to section 8(d)(1) of the WIPP LWA, whether to issue a certification that the WIPP facility will comply with the disposal regulations and soliciting comment on the proposal.

(b) The notice will provide a public comment period of at least 120 days.

(c) The notice will announce public hearings in New Mexico.

(d) Any comments received on the notice will be made available for inspection in the dockets established pursuant to § 194.67.

§ 194.63 Final rule for certification.

(a) The Administrator will publish a Final Rule in the Federal Register announcing the Administrator's decision, pursuant to section 8(d)(1) of the WIPP LWA, whether to issue a certification that the WIPP facility will comply with the disposal regulations.

(b) A document summarizing significant comments and issues arising from comments received on the Notice of Proposed Rulemaking, as well as the Administrator's response to such significant comments and issues, will be prepared and will be made available for inspection in the dockets established pursuant to § 194.67.

§ 194.64 Documentation of continued compliance.

(a) Upon receipt of documentation of continued compliance with the disposal regulations pursuant to section 8(f) of the WIPP LWA and § 194.11, the Administrator will publish a notice in the Federal Register announcing that such documentation has been received, soliciting comment on such documentation, and announcing the Administrator's intent to determine whether or not the WIPP facility continues to be in compliance with the disposal regulations.

(b) Copies of documentation of continued compliance received by the Administrator will be made available for inspection in the dockets established pursuant to § 194.67.

(c) The notice will provide a public comment period of at least 30 days after publication pursuant to paragraph (a) of this section.

(d) Any comments received on such notice will be made available for public inspection in the dockets established pursuant to § 194.67.

(e) Upon completion of review of the documentation of continued compliance with the disposal regulations, the Administrator will publish a notice in the Federal Register announcing the Administrator's decision whether or not to re-certify the WIPP facility.

§ 194.65 Notice of proposed rulemaking for modification or revocation.

(a) If the Administrator determines that any changes in activities or conditions pertaining to the disposal system depart significantly from the most recent compliance application, the Agency will publish a Notice of Proposed Rulemaking in the Federal Register announcing the Administrator's proposed decision on modification or revocation, and soliciting comment on the proposal.

(b) Any comments received on the notice will be made available for inspection in the dockets established pursuant to § 194.67.

§ 194.66 Final rule for modification or revocation.

(a) The Administrator will publish a Final Rule in the Federal Register announcing the Administrator's decision on modification or revocation.

(b) A document summarizing significant comments and issues arising from comments received on the Notice of Proposed Rulemaking as well as the Administrator's response to such significant comments and issues will be prepared and will be made available for inspection in the dockets established pursuant to § 194.67.

§ 194.67 Dockets.

The Agency will establish and maintain dockets in the State of New Mexico and Washington, DC. The dockets will consist of all relevant, significant information received from outside parties and all significant information considered by the Administrator in certifying whether the WIPP facility will comply with the disposal regulations, in certifying whether or not the WIPP facility continues to be in compliance with the disposal regulations, and in determining whether compliance certification should be modified, suspended or revoked.

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Part VII

Environmental Protection Agency

Technical Correction; Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities; Notice

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5411–8]

Technical Correction; Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities

AGENCY: Environmental Protection Agency.

ACTION: Corrections; technical amendments: deadline extensions for applicants under the storm water multi-sector general permit; and Notice of final NPDES storm water general permit for Alaska.

SUMMARY: This action corrects typographical errors and inadvertent omissions in the text of ''Final National Pollutant Discharge Elimination System (NPDES) Storm Water Multi-Sector General Permit for Industrial Activities'' (MSGP) which was published on Friday, September 29, 1995.

This action also provides notice of deadline extensions for submittal of a Notice of Intent (NOI) to be covered by the MSGP and the development and implementation of MSGP storm water pollution prevention plans (SWPPP). The deadline extension provides additional time for applicants to review MSGP requirements and to decide whether they wish to seek coverage under the MSGP or the applicable baseline general permit.

This action also provides notice for the final NPDES MSGP for storm water discharges associated with industrial activity in the state of Alaska.

EFFECTIVE DATE: Today's corrections are effective February 9, 1996. In accordance with 40 CFR 23.2, EPA is now explicitly providing that the permits shall be considered final for the purposes of judicial review at 1 p.m. (Eastern time) on October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Marilyn Fonseca at 202–260–0592.

SUPPLEMENTARY INFORMATION: Section 553 of the Administrative Procedure Act provides that the required publication or service of a substantive rule shall be made not less than 30 days before its effective date except, as relevant here, (1) for a substantive rule which grants or recognizes an exemption or relieves a restriction or (2) when the agency finds and publishes good cause for foregoing delayed effectiveness. To the extent general permits may be substantive rule, the deadline extensions in today's notice relieve permit applicants from obligations associated with those deadlines. Similarly, EPA also has determined that good cause exists for making the corrections in today's notice effective immediately because the changes are purely technical in nature. Finally, when the multi sector permits were published on September 29, 1995, EPA neglected to explicitly provide a date on which the permits would be considered final for the purposes of judicial review.

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I. Introduction

On September 29, 1995, (60 FR 50804) EPA published final NPDES Multi-Sector General Permits (MSGP) for storm water discharges associated with industrial activity in the following areas: the States of Arizona, Florida, Idaho, Louisiana, Maine, Massachusetts, New Hampshire, New Mexico, Oklahoma, and Texas; the District of Columbia; Johnston Atoll, and Midway and Wake Islands; the Commonwealth of Puerto Rico; Federal Indian Reservations in Alaska, Arizona, California, Connecticut, Idaho, Louisiana, Maine, Massachusetts, Nevada, New Hampshire, New Mexico, Oklahoma, Oregon, Rhode Island, Texas, Utah (only the Navajo and Goshute Reservations), Vermont, and Washington; and Federal facilities located in Arizona, the Commonwealth of Puerto Rico, the District of Columbia, Delaware, Idaho, Johnston Atoll, Midway and Wake Islands, Vermont, and Washington.

Today's notice corrects typographical errors, and inadvertent omissions in the text of the MSGP as well as clarifies the fact sheet to the permit. Today's notice also extends deadlines for the submittal of a Notice of Intent (NOI) to be covered by the MSGP and the development and implementation of required Storm Water Pollution Prevention Plans (SWPPPs). Finally, this action provides notice for the final NPDES storm water MSGP for storm water discharges associated with industrial activity in the state of Alaska.

II. Deadlines

Sections II.A.5. and IV.A.7. of the permit, authorize the Director to extend deadlines for certain actions required of individual permittees. EPA has received a number of requests from applicants to extend the MSGP deadlines for submittal of the NOI. After careful consideration of the deadlines for submitting NOIs and developing the storm water pollution prevention plan required by the MSGP, EPA is extending the deadlines for the submittal of an NOI to be covered by the storm water MSGP and the development of the SWPPP. This deadline extension will provide MSGP applicants more time to study the sector specific requirements in the permit and to decide whether they wish to seek coverage under the MSGP or the baseline general permit. The new deadline for submittal of an NOI to be covered by the MSGP is March 29, 1996. The new deadline for development and implementation of the SWPPP required by the storm water MSGP is September 25, 1996.

Some group applicants may decide to seek coverage under the storm water baseline general permit instead of the MSGP. The storm water baseline general permit was published in the Federal Register (57 FR 41236, September 9, 1992). Group applicants choosing the storm water baseline general permit instead of the MSGP must submit their NOI to be covered under the baseline general permit by March 29, 1996. Please note that claiming coverage under the baseline general permit at this time would require that a facility's SWPPP be developed and implemented prior to submittal of the NOI. Therefore, facilities choosing the baseline general permit should develop and implement their SWPPP prior to the submittal of the NOI under the baseline general permit.

With regard to activities currently covered, some eligible facilities previously covered by EPA's storm water baseline general permit (57 FR 41236, September 9, 1992), may elect to be covered by the MSGP. These facilities must submit an NOI to be covered by the MSGP and Notice of Termination (NOT) for the baseline general permit. The deadline for these facilities to switch from the baseline general permit to the MSGP, is also March 29, 1996. Please note that the SWPPP developed for such facilities must incorporate any changes required by the MSGP.

Deadlines for submitting NOIs for new facilities and new operators of facilities, as described in the MSGP (60 FR 51113, September 29, 1995) remain unchanged by today's notice.

III. Technical Corrections

The Final NPDES Storm Water MSGP that was published on September 29, 1995 (60 FR 50804) contains several errors and omissions. Today's notice

corrects minor typographical and editorial errors as well as inadvertent omissions in the permit for the benchmark values for zinc and the 401 certification conditions for some of the states.

A. Benchmark Value for Zinc

The benchmark value for zinc was listed in error as 0.065 mg/l throughout the permit and fact sheet. As explained in the fact sheet to the final permits, the benchmark values for all hardness dependent pollutants were adjusted between the proposed and final permits based on a reconsidered average national hardness value of 100 mg/l CaCO3; rather than 50 mg/l CaCO3 as used in the proposed permit. The benchmark values for these pollutants thereby increased proportionately due to the higher hardness value. The benchmark value for zinc in the permit and fact sheet text was erroneously not revised to reflect the new hardness value. The benchmark value for zinc should therefore be revised to read 0.117 mg/l. The permit page number, table and sector where the benchmark value for zinc was published and should be revised to read 0.117 mg/l are as follows: page 51128 (Table A1) in the Timber Products Sector; page 51138 (Table C2, C4, C5) in the Chemical and Allied Products Manufacturing Sector; page 51153 (Table F1, F2, F3, F4) in the Primary Metals Sector; page 51195 (Table N1) in the Scrap Recycling and Waste Recycling Sector; page 51209 (Table Q1) in the Water Transportation Sector; page 51239 (Table Y1) in the Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Sector and 51248 (Table AA1, AA2) in the Fabricated Metal Products Sector.

The corresponding fact sheet page number, table and sector (if applicable) where the incorrect benchmark value for zinc appears are as follows: page 50826 (Table 5); page 50843 (Table A7) in the Timber Products Sector; page 50858 (Tables C11, C13, C14) in the Chemical and Allied Products Manufacturing Sector; page 50886 (Tables F7, F8, F9, F10) in the Primary Metals Sector; pages 50957 and 50969 (Tables N6, N18) in the Scrap Recycling and Waste Recycling Sector; page 50990 (Table Q4) in the Water Transportation Sector; page 51039 (Table Y6) in the Rubber, Miscellaneous Plastic Products and Miscellaneous Manufacturing Sector and page 51053 (Table AA5, AA6) in the Fabricated Metal Products Sector.

B. 401 Certification Conditions

The 401 certification conditions for the states of Massachusetts and Idaho were inadvertently omitted from the permit which is revised accordingly. In addition, some of the 401 conditions for Texas were duplicated so the permit is revised to eliminate the duplicate sections. The 401 conditions for Texas are also being revised to include a footnote in order to reduce confusion over which permittees are subject to whole effluent toxicity (WET) testing. The New Mexico 401 conditions contained typographical errors that inadvertently omitted ammonia (NH3) from the list of monitoring parameters for 2 industrial subsectors and the permit is revised accordingly. Finally, the Washington Federal Indian reservations 401 certification has now been clarified to include specific conditions submitted by the Puyallup Indian tribe.

More specifically, Massachusett's 401 conditions have been revised to provide that all new or increased discharges in the Commonwealth of Massachusetts must comply with Massachusetts law at 314 CMR 4.00, particularly as it applies to Outstanding Resource Waters, prior to seeking authorization to discharge under this permit. For more information please contact the Massachusetts Department of Environmental Protection at (508) 792–7470 or (617) 338–2255. Part XII of the permit on page 51255 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is on page 51064.

In addition, Idaho's 401 conditions have been revised to provide that the SWPPP must comply with the current Idaho Water Quality Standards. The applicant must send the Regional IDEQ office a copy of the NOI. When so requested by IDEQ, the permittee must provide a copy of the SWPPP to IDEQ within 72 hours. Failure to provide the SWPPP to IDEQ within the 72-hour time limit will be grounds for cancellation of the general permit authorization due to failure to comply with the state's 401 certification terms. Part XII of the permit on page 51263 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is on page 51067.

The Texas 401 conditions listed in the permit contain duplications. On page 51260 and 51261 of the permit, Part V describes numeric effluent limitations and contains 2 sections. One section describes discharges to inland waters and the other section describes discharges to tidal waters. Each section contains 1 table. The sections on discharges to inland waters and discharges to tidal waters are duplicated on pages 51261 and 51262 of the permit. The permit is revised today to eliminate these duplicate sections.

In addition, Texas 401 conditions require whole effluent toxicity testing for certain facilities in Part V.D. of the permit. A footnote is added to the permit to clarify who is required to perform such toxicity testing. The footnote will be added to the first sentence of Part V.D. Toxicity Testing. The footnote clarifies that the toxicity testing requirement applies only to facilities that have demonstrated significant lethality in any prior whole effluent toxicity tests on their storm water discharges and have failed to control this toxicity. It does not require facilities that have never demonstrated toxicity to conduct such testing for the purposes of the permit. Page 51066 of the fact sheet should be updated accordingly.

New Mexico 401 conditions require additional monitoring for the Paperboard mills subsector of the Paper and Allied Products Manufacturing sector and the meat products subsector of the Food and Kindred Products sector. Typographical errors on pages 51257 and 51259 of the permit inadvertently omitted ammonia (NH3) from the monitoring lists for the paperboard mill subsector and the meat products subsector. The permit is revised today to include these monitoring parameters for these subsectors in the State of New Mexico.

Finally, the Washington Federal Indian Reservation permit certification has been clarified to include the following 401 certification conditions submitted by the Puyallup Tribe of Indians for discharges subject to the Puyallup Tribe's Water Quality Standards: ''Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard contained in the Water Quality Standards for Surface Waters of the Puyallup Tribe, Title 10 of the Puyallup Tribal codes and Regulations, for discharges to waters and water pollution sources on trust or restricted lands which are subject to the Puyallup Tribe's Water Quality Standards.'' For more information please contact the Puyallup Tribe of Indians Environmental Protection Department at (206) 597–6200. Part XII of the permit on page 51263 and the table of contents on page 51111 are revised to include these 401 conditions. The corresponding fact sheet reference is page 51067.

C. Minor typographical and editorial changes

On page 50830 of the fact sheet, for facilities subject to special permit

requirements based on the presence of SARA Title III, Section 313 chemicals, there is a reference to an Appendix A that lists 44 additional water priority chemicals. The reference should have referred the reader to Addendum A.

On page 50832 of the fact sheet, in the section that lists addresses for other submittals of information for the states of Louisiana, New Mexico, Oklahoma, and Texas and Federal Indian Reservations in Louisiana, New Mexico (except Navajo and Ute Mountain Lands), Oklahoma, and Texas the address was listed incorrectly. The address should read: EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN–WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

On page 50998 of the fact sheet, the second paragraph of Section 2, inadvertently discusses total Kjeldahl Nitrogen (TKN) in connection with pollutants found in storm water discharges from vehicle maintenance areas, equipment cleaning areas, or deicing areas located at air transportation facilities. Ammonia (NH3) should be included in the discussion in lieu of TKN.

On page 51118 of the permit, in the section entitled Reporting: Where to Submit, the address was listed incorrectly for the states of Louisiana, New Mexico, Oklahoma, and Texas and Federal Indian Reservations in Louisiana, New Mexico (except Navajo and Ute Mountain Lands), Oklahoma, and Texas. The address should read: EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN–WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

IV. Notice of Final NPDES Storm Water Permit in Alaska

On November 19, 1993, EPA proposed the MSGP in Alaska. EPA was not able to provide notice of the final permit in Alaska on September 29, 1995 when the MSGP was previously published. Today's action finalizes the NPDES MSGP for storm water discharges associated with industrial activity in the state of Alaska. The MSGP covers storm water discharges from a wide variety of industrial activities. The permit contains industry-specific sections that describe the storm water pollution prevention plan requirements, the numeric effluent limitation requirements and the monitoring requirements for that industry. These industry-specific sections are contained in Part XI of the permit and are described in Part VIII of the fact sheet. There are also a number of permit requirements that apply to all industries. Today's notice incorporates by reference the permit terms and conditions set forth at 60 FR 51108–51255 published on September 29, 1995. These requirements may be found in I through XI. They include the general coverage discussion, the Notice of Intent requirements and standard permit conditions. The MSGP was published previously for a number of other states and territories in the September 29, 1995 Federal Register on pages 51108–51255 and is revised today to include Alaska. Today's notice also includes additional 401 conditions required by the state of Alaska.

A. Contacts

Notices of Intent (NOIs) to be covered under this permit and Notices of Termination (NOT) to terminate coverage under this permit must be sent to the Storm Water Notice of Intent Processing Center (see address below). The complete administrative record is available through the Water Docket MC–4101, Environmental Protection Agency, 401 M Street SW, Washington DC 20460. A reasonable fee may be charged for copying.

Notice of Intent Address. Notices of Intent to be authorized to discharge under this permit should be sent to: NOI/NOT Processing Center (4203), 401 M Street, SW., Washington, DC 20460.

Address for Other Submittals. Other submittals of information required under this permit or individual permit applications should be sent to the EPA Region X Office: EPA, Region X, Water Division, (WD–134), Storm Water Staff 1200 Sixth Avenue Seattle, WA 98101.

B. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in the final MSGP in Alaska under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq. The information collection requirements in today's final notice for Alaska have already been approved by the Office of Management and Budget in previous submissions made for the NPDES permit program under the provisions of the Clean Water Act.

C. 401 Certification

Section 401 of the CWA provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters, shall be granted until the State in which the discharge originates certifies that the discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA. The Section 401 certification process has been completed for the state of Alaska. The following summary indicates where additional permit requirements have been added as a result of the certification process and also provides a more detailed discussion of additional requirements for Alaska.

Alaska 401 conditions provide that a copy of the Notice of Intent form, in addition to the NOI already required to be submitted to EPA, and a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The 1-page description of activities shall describe the nature of the project, the pollutants expected in the discharge(s) and the type(s) of treatment to be provided. Copies of any discharge monitoring reports or other reports required under the permit must be sent to the appropriate state office. A copy of any Notice of Termination must be submitted to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801, (907) 465–5276, (907) 465–5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269–7500, (907) 269–7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2360, (907) 451–2187 (Fax).

Because Alaska DEC has certified the MSGP, authorization under the MSGP constitutes authorization under a state permit as a matter of Alaska law.

D. Considerations Under Other Federal Laws

For the MSGP issued in Alaska by today's notice, EPA is required to conduct and certify certain analyses under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Unfunded Federal Mandates Act, Pub. L. No. 104–4. By today's action, EPA adopts, incorporates, and certifies the necessary findings under the Regulatory Flexibility Act and the Unfunded Federal Mandates Act made in the September 29, 1995, MSGP for the purposes of the MSGP issued for Alaska.

Region 1

Signed this 25th day of January, 1996.
David A. Fierra,
Director, Office of Ecosystem Protection.

Region 2

Signed this 25th day of January, 1996.
Richard L. Caspe,
Water Management Division Director.

Region 3

Signed this 25th day of January, 1996.
Alvin R. Morris,
Water Protection Division Director.

Region 4

Signed this 18th day of December, 1995.
Robert F. McGhee,
Water Management Division Director.

Region VI

Signed this 25th day of January, 1996.
William B. Hathaway,
Water Quality Protection Division Director.

Region 9

Signed this 18th day of January, 1996.
Alexis Strauss,
Acting Director, Water Management Division.

Region 10

Signed this 18th day of December, 1995.
Philip G. Millam,
Acting Director, Office of Water.

I. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. Under 5 U.S.C. 605(b), no Regulatory Flexibility Analysis is required where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

Today's permit will provide any small entity the opportunity to obtain storm water permit coverage as a result of the group application process. Group applications provided small entities a mechanism to reduce their permit application burden by grouping together with other industrial facilities and submitting a common permit application with reduced monitoring requirements and shared costs. The group application information submitted to EPA provided a basis for the development of storm water permit conditions tailored specifically for each industry. The permit requirements have been designed to minimize significant administrative and economic impacts on small entities and should not have a significant impact on industry in general. Moreover, the permit reduces a significant burden on regulated sources of applying for individual permits.

Accordingly, I hereby certify pursuant to 5 U.S.C. 605(b) that this permit will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: December 14, 1995.

Chuck Clarke,

Regional Administrator, Region 10.

Authorization To Discharge Under the National Pollution Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq., the ''Act'') except as provided in Part I.B.3. of this storm water multi-sector general permit, operators of point source discharges of storm water associated with industrial activity that discharge into waters of the United States, represented by the industry sectors identified in Part XI. of this permit, are authorized to discharge in the areas of coverage listed below in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from the industrial activities covered under this permit who intend to be authorized by this permit must submit a Notice of Intent (NOI) in accordance with Part II.B. of this permit. Operators of storm water discharges associated with industrial activity who fail to submit an NOI in accordance with Part II.B. of this permit are not authorized under this general multi-sector permit.

This permit shall become effective on February 11, 1996, and shall expire at midnight on February 11, 2001.

Region X

Signed this 5th day of December, 1995.
Philip G. Millam,
Acting Director, Office of Water.

Areas of coverage	Permit No.
Alaska	AKR05*###

For the reasons set forth in this preamble, Parts I, II, IV, VI, IX and XII of the NPDES Multi-Sector Storm Water General Permit are amended as follows:

Deadline Extension

PART II—[AMENDED]

1. Part II.A.1. and Part II.A.6 are revised to insert ''March 29, 1996'' in place of ''[insert date 90 days after permit finalization]'' to read as follows:

Part II. Notification Requirements

A. Deadlines for Notification

1. Existing Facility * * * individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit an NOI in accordance with the requirements of this part on or before March 29, 1996.

* * * * *

6. Part II.A.6 Facilities Previously Subject to the Baseline General Permit. Eligible facilities previously covered by EPA's 1992 Baseline General Permits for Storm Water Discharges Associated with Industrial Activity (57 FR 41297 or 57 FR 44438) may elect to be covered by this permit by submitting an NOI in accordance with the requirements of this Part on or before March 29, 1996.

PART IV—[AMENDED]

1. Part IV.A.1. is revised to insert ''September 25, 1996'' in place of ''[insert date 270 days after permit finalization]'' at the end of the sentence to read as follows:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

A. Deadlines for Plan Preparation and Compliance

1. Existing Facilities * * * all existing facilities that begin operation on or before [insert date 270 days after permit finalization] shall prepare and implement the plan by September 25, 1996.

2. Part IV.A.4. is revised to insert ''September 25, 1996'' in place of ''[insert date 270 days after permit finalization]'' to read as follows:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

A. Deadlines for Plan Preparation and Compliance

* * * * *

4. Facilities Switching From the Baseline General Permit * * * The plan shall be revised as necessary to address requirements under Part XI. of this permit no later than September 25, 1996. The revisions made to the plan shall be implemented on or before September 25, 1996.

Zinc Benchmark Value

PART XI—[AMENDED]

1. Parts XI.A.5., XI.C.6., XI.F.5., XI.N.5., XI.Q.5., XI.Y.5., and XI.AA.5. are revised to insert 0.117 mg/l instead

of 0.065mg/l after Total Recoverable Zinc to read as follows:

Part XI. Specific Requirements for Industrial Activities

* * * * *

A. Storm Water Discharges Associated With Industrial Activity From Timber Products Facilities

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table A–1 Monitoring Requirements for General Sawmills and ''Planning'' Mills Facilities: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

C. Storm Water Discharges Associated with Industrial Activity from Chemical and Allied Products Manufacturing Facilities

* * * * *

6. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table C–2 Agricultural chemicals Monitoring Requirements, Table C–4 Soaps, Detergents, Cosmetics, and Perfumes Monitoring Requirements and Table C–5 Plastics, Synthetics, and Resins Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

F. Storm Water Discharges Associated With Industrial Activity From Primary Metals Facilities

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Tables F1 Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC331) Monitoring Requirements, F2 Iron and Steel Foundries (SIC332) Monitoring Requirements, F3 Rolling, Drawing, and Extruding of Non-Ferrous Metals (SIC335) Monitoring Requirements and F4 Non-Ferrous Foundries (SIC 336) Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

N. Storm Water Discharges Associated With Industrial Activity From Scrap Recycling and Waste Recycling Facilities

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table N1 Industry Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

Q. Storm Water Discharges Associated With Industrial Activity From Water Transportation Facilities That Have Vehicle Maintenance Shops and/or Equipment Cleaning Operations

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table Q1 Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

Y. Storm Water Discharges Associated With Industrial Activity From Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Table Y1 Monitoring Requirements: * * * Total Recoverable Zinc,—0.117 mg/l.

* * * * *

AA. Storm Water Discharges Associated With Industrial Activity From Fabricated Metal Products Industry

* * * * *

5. Monitoring and Reporting Requirements

a. Analytical Monitoring Requirements * * * Tables AA–1 Monitoring Requirements for Fabricated Metal Products Except Coating and Table AA–2 Monitoring Requirements for Fabricated Metal Coating and Engraving: * * * Total Recoverable Zinc,—0.117 mg/l.

401 Certification Conditions

Part XII—[AMENDED]

1. Massachusetts—Part XII. of the permit is revised by adding the following paragraphs before Region III to read as follows:

Part XII. Coverage Under This Permit

Region I

Massachusetts (MAR05*###)

Massachusetts 401 certification special permit conditions revise the permit as follows:

Region VI

* * * * *

D. New Mexico (NMR05 ###)

* * * * *

Part XI. Specific Requirements for Industrial Activities

* * * * *

B. Storm Water Discharges Associated With Industrial Activity From Paper and Allied Products Manufacturing Facilities

* * * * *

5. Monitoring and Reporting Requirements

* * * * *

(a) * * * (1) Paperboard mills: shall monitor NH3, . . .

* * * * *

U. Storm Water Discharges Associated With Industrial Activity From Food and Kindred Products Facilities

* * * * *

1. Part I.B.3. is amended by addition of the following:

Part I. Coverage Under This Permit

* * * * *

B. Eligibility

* * * * *

3. Limitations on Coverage

* * * * *

i. All new or increased discharges in the State of Massachusetts must comply with 314 CMR 4.00, particularly as it applies to Outstanding Resource Waters, prior to seeking authorization to discharge under this permit. For more information please contact the Massachusetts Department of Environmental Protection at (508) 792–7470 or (617) 338–2255.

2. New Mexico—Part XII.D. (New Mexico) of the permit is revised by adding ''NH3'' to Part XI.B.5.a.(1) before TSS and to Part XI.U.5.a.(4) before NO3+NO2 to read as follows:

Part XII. Coverage Under This Permit

* * * * *

5. Monitoring and Reporting Requirements

* * * * *

(a) * * * (4) Meat Products: shall monitor NH3, . . .

3. Texas—Part XII.D. (Texas) is amended to delete the following duplicated text starting in the third column of page 51261 and ending on page 51262:

Part V. Numeric Effluent Limitations

* * * * *

B. All Discharges to Inland Waters

The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to inland waters are as follows:

[Table]

C. All Discharges to Tidal Waters

The maximum allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharges to tidal waters are as follows:

[Table]

4. Texas—Part XII.D. (Texas) is clarified with the addition of the following footnote to Part V.F. Texas after the first sentence to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region VI

* * * * *

Texas (TXR05*###)

* * * * *

Part V. Numeric Effluent Limitations

* * * * *

D. Toxicity Testing * * * The toxicity testing requirement applies only to facilities that have 1) demonstrated significant lethality in whole effluent toxicity tests on their storm water discharges (e.g. tests required while under baseline general permit No. TXR00###) *and* 2) has not yet controlled the toxicity.

''Control'' of toxicity involves some action that reduces or eliminates the toxicity so that the discharge henceforth passes whole effluent toxicity testing. A prerequisite of controlling the toxicant requires either identifying the toxicant, identifying the toxicant source, or identifying a means of removing the toxicant. To demonstrate the effectiveness of the control action, the discharger would have to pass two whole effluent toxicity tests performed on consecutive discharge events.

Those facilities having previously demonstrated toxicity, and unable to identify the toxicant source, or treatment method, would continue biomonitoring semiannually until such time that they pass four whole effluent toxicity tests on consecutive discharge events. Such evidence would be considered a ''cessation of lethality'' (as defined in the Implementing Procedures of the Texas Natural Resource Conservation Commission Standards Via Permitting) and biomonitoring would cease.

5. Puyallup Indian Reservation Lands—Part XII. of the permit is revised by adding the following paragraphs after Region X and before Washington (WAR05*###) to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region X

Puyallup Indian Reservation Lands (WAR05*##F)

Puyallup Tribe 401 certification special permit conditions revise the permit as follows:

1. Part I section B is amended by the addition of the following:

Part I. Coverage Under This Permit

* * * * *

B. Eligibility

* * * * *

8. Compliance With Puyallup Indian Reservation Lands Water Quality Standards

Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standard contained in the Water Quality Standards for Surface Waters of the Puyallup Tribe, Title 10 of the Puyallup Tribal codes and Regulations, for discharges to waters and water pollution sources on trust or restricted lands which are subject to the Puyallup Tribe's Water Quality Standards.

6. Idaho—Part XII. of the permit is revised by adding the following paragraphs before Addendum A to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region X

* * * * *

Idaho (IDR05*###)

Idaho 401 certification special permit conditions revise the permit as follows:

1. Part II.C. is amended by the addition of the following:

Part II. Notification Requirements

* * * * *

C. Where to Submit

* * * * *

The applicant must send the Regional IDEQ office a copy of the NOI, in addition to the NOI already required to be submitted to EPA, at the following address: Idaho Department of Health and Welfare, Division of Environmental Quality, 1410 North Hilton, Boise, ID 83708–1255.

2. Part IV. is amended by the addition of the following:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

Idaho's 401 conditions provide that for facilities with storm water discharges associated with industrial activity in the state of Idaho, the SWPPP must comply with the current Idaho Water Quality Standards.

3. Part IV.B.2 is amended by the addition of the following:

Part IV. Storm Water Pollution Prevention Plans

* * * * *

B. Signature and Plan Review

* * * * *

2. Availability * * *

The permittee must provide a copy of the SWPPP, when so requested by IDEQ, to IDEQ within 72 hours. Failure to provide the SWPPP to IDEQ within the 72-hour time limit will be grounds for cancellation of the general permit authorization due to failure to comply with the state's 401 certification terms.

Minor Typographical and Editorial Changes

Part VI—[Amended]

1. Part VI.B.1.e. is revised to correct the address for EPA Region VI to read as follows:

Part VI. Monitoring and Reporting Requirements

* * * * *

B. Reporting: Where to Submit

1. Location

* * * * *

e. LA, NM (except see Region IX for Navajo lands), OK, TX, EPA, Region VI, Enforcement and Compliance Assurance Division, (6EN–WC), EPA SW MSGP, P.O. Box 50625, Dallas, TX 75250.

Alaska

Part I—[Amended]

1. Part 1 is amended by revising paragraph A. Permit Area, Region X to include ''Alaska'' before the phrase ''the state of Idaho'' to read as follows:

Part I. Coverage Under This Permit

* * * * *

A. Permit Area

* * * * *

Region X—Alaska; the State of Idaho;
* * *

PART XII—[AMENDED]

Alaska 401 certification special permit conditions revise the permit as follows:

1. Part XII. Region X of the permit is revised by adding the following paragraphs before Addendum A after Idaho's 401 conditions to read as follows:

Part XII. Coverage Under This Permit

* * * * *

Region X

Alaska (AKR05*###)

1. Part II. B. is amended by the addition of the following:

Part II. Notification Requirements

* * * * *

B. Contents of Notice of Intent

* * * * *

14. For facilities that discharge storm water associated with industrial activity in Alaska, a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The 1-page description of activities shall describe the nature of the project, the pollutants expected in the discharge(s) and the type(s) of treatment to be provided.

2. Part II. C. is amended by the addition of the following:

Part II. Notification Requirements

* * * * *

C. Where to Submit

* * * * *

For facilities located in the state of Alaska, a copy of the Notice of Intent form, in addition to the NOI already required to be submitted to EPA, and a 1-page brief description of the activities being covered must be sent to the appropriate nearest office listed below. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465–5276, (907) 465–5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269–7500, (907) 269–7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2360, (907) 451–2187 (Fax)

3. The following language is added to Part VI section B:

Part VI. Monitoring and Reporting Requirements

* * * * *

B. Reporting: Where to Submit

* * * * *

2. Additional Notification. For facilities located in the state of Alaska, copies of any discharge monitoring reports or other reports required under the permit must also be sent to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465–5276, (907) 465–5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269–7500, (907) 269–7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2360, (907) 451–2187 (FAX).

4. The following is added to Part IX Section B:

Part IX. Termination of Coverage

* * * * *

B. Addresses

* * * * *

For facilities located in the state of Alaska, copies of Notices of Termination (NOTs), in addition to the NOTs already required to be submitted to EPA, must be submitted to the appropriate state office. The addresses of state offices to which copies are to be sent are:

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 410 Willoughby Avenue, Suite #105, Juneau, AK 99801 (907) 465–5276, (907) 465–5274 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 555 Cordova Street, Anchorage, AK 99503, (907) 269–7500, (907) 269–7652 (Fax)

Alaska Department of Environmental Conservation, Major Facilities & Water Permits Section, 610 University Avenue, Fairbanks, AK 99709–3643, (907) 451–2360, (907) 451–2187 (Fax).

[FR Doc. 96–2722 Filed 2–8–96; 8:45 am]
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Federal Register

Friday
February 9, 1996

Part VIII

Department of the Interior

Minerals Management Service

Outer Continental Shelf, Proposed 5-year Outer Continental Shelf Oil and Gas Leasing Program for 1997–2002 and Draft Environmental Impact Statement for Proposed Oil and Gas Leasing Program, 1997 to 2002; Notices

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Proposed 5-Year Outer Continental Shelf Oil and Gas Leasing Program for 1997-2002

AGENCY: Minerals Management Service, Department of the Interior

ACTION: Request for Comments on the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 1997-2002

Summary: Comments are requested on the Proposed 5-year OCS Oil and Gas Leasing Program for 1997-2002. Section 18 of the OCS Lands Act (43 USC 1344) specifies a multi-step process that must be completed before the Secretary of the Interior may approve a new 5-year program. The Proposed Program and draft Environmental Impact Statement (EIS) will be available to the public for a 90-day comment period. A final proposal is scheduled to be issued in August 1996.

Addressees: Respondents should mail comments and information within 90 days of the publication of this notice to: 5-Year Program Project Director, Minerals Management Service (MMS) (MS-4430), Room 1324, 381 Elden Street, Herndon, Virginia 22070. The MMS will accept hand deliveries at 1849 C Street, NW, Room 4227, Washington, DC. Envelopes or packages should be marked "Comments on the Proposed 5-Year OCS Oil and Gas Leasing Program for 1997-2002." When submitting any privileged or proprietary information to be treated as confidential, respondents should mark the envelope, "Contains Confidential Information."

For Further Information Contact: Carol Hartgen, 5-Year Program Project Director, or Tim Redding, Program Decision Document Project Manager, at (703) 787-1216. Respondents who wish to provide illustrated information pertaining to the size and location of lease sales may obtain large OCS block-specific maps by calling (703) 787-1216.

Supplementary Information: The MMS requests comments from States, local governments, Native groups, the oil and gas industry, Federal Agencies, environmental and other interest organizations, and all other interested parties to assist in the preparation of a 5-year OCS oil and gas leasing program for 1997-2002.

Background: Section 18 requires that the 5-year program be prepared in a manner consistent with four main principles: (1) consideration of economic, social, and environmental values and the potential impact on marine, coastal, and human

environments; (2) consideration of diverse environmental, geographical, and equitable regional factors; (3) a proper balance among potentials for environmental damage, discovery of oil and gas, and adverse impact on the coastal zone; and (4) assurance of receiving fair market value. It also requires that the 5-year leasing program shall consist of a schedule of proposed lease sales indicating as precisely as possible the size, timing, and location of potential OCS leasing activities which the Secretary determines will best meet the national energy needs for the 5-year period following its approval.

In addition to the requirements of section 18, consensus-based decisionmaking, science-based decisionmaking, and the use of natural gas as an environmentally preferred fuel are policy objectives endorsed by the President and the Secretary that have been considered in developing the Proposed Program.

The Secretary's decision on the Proposed Program affirms his decision on the Draft Proposed Program.

The Proposed Program: The table below indicates the proposed schedule of lease sales for the new program. They are the same as those chosen for the draft proposal. No sales are proposed off the West and East coasts. Maps 1 and 2, presented at the end of the text of this Notice, contain the areas proposed for leasing consideration in the new program.

Proposed Lease Sale Schedule

Region and Planning Area	Sale No.	Year	Proposed Activity
Alaska			
Beaufort Sea	170	1998	Small sale, focusing on nearshore blocks in center of program area (Map 1)
	176	2000	Sale in program area (Map 1)
Cook Inlet/Shelikof Strait	173	1999	Sale in program area (Map 1)
Gulf of Alaska	179	2001	Sale in program area (Map 1)
Chukchi Sea/Hope Basin	183	2002	Combined sale in program area (Map 1)
Gulf of Mexico			
Western Gulf of Mexico	*	Annual	Sale in program area (Map 2)
Central Gulf of Mexico	**	Annual	Sale in program area (Map 2)
Eastern Gulf of Mexico	181	2001	Sale in program area (Map 2) (off Alabama, 100 miles off Florida)

* Sale No. 168, 171, 174, 177, and 180
** Sale No. 169, 172, 175, 178, and 182

In developing the Proposed Program, MMS considered comments received in response to the Call for Comments and the draft proposed program. In the most recent solicitation, comments from over 90 constituencies were received including State, local, Federal, and other interests. We have continued our dialogue with our constituencies on the West, East, and Gulf coasts. We have continued working with the Alaska Regional Stakeholders Task

Force as it continues to participate in the development of recommendations on the program. The Task Force found that the Draft Proposed Program was consistent with its recommendation made to the OCS Policy Committee to consider the five areas in the program. Based on the comments received on the draft proposal, the MMS also has established a new joint subcommittee of the OCS Policy and Scientific Committees to provide an independent review and evaluation of the specific information needs for areas where controversy has led to executive or legislative restrictions on leasing. Their efforts address issues for consideration in future programs.

Based on the comments received and the requirements of the National Environmental Policy Act, the Proposed Program analysis includes alternatives to consider leasing in areas other than those chosen for the Draft Proposed Program. The draft EIS provides an alternative of holding a lease sale in 2000 in the Mid-Atlantic program area.

Two additional alternatives are considered in the Eastern Gulf of Mexico program area. The first Eastern Gulf of Mexico alternative provides for a sale in 2001 in an expanded program area that includes additional blocks in deep water. It was developed based on expressed industry interest and resource information, balanced with consideration of the expressed interests of the States of Florida and Alabama. A second alternative in the Eastern Gulf of Mexico is to conduct two lease sales, one in 1999 in the deepwater portion of the expanded program area and one in 2001 in the entire expanded program area.

The Secretary has decided, for this program, to give greater weight to the following two OCS Lands Act section 18 criteria: laws, goals, and policies of affected States and location of regions with respect to other uses of the sea and seabed. While he will continue to consider all section 18 factors in future decisions, he has concluded that any lesser weighting of these latter two criteria at this time would be counterproductive to long-term development of the OCS.

National Energy Needs: This Proposed Program will best meet national energy needs. Increasing imports will make the Nation more vulnerable to supply disruptions and increase the Nation's balance of payments deficit. Environmentally responsible development of OCS oil and gas resources will have to play a role in any effort to slow or reverse the increase in imported energy.

The decisions on the new 5-year program will have a long-term effect on the contribution of OCS resources to meeting the Nation's energy needs and improving its trade balance. Most production resulting from lease sales held under the new 5-year program is likely to begin over the first decade of the next century and continue for another 25 years.

In developing a 5-year program to best meet the Nation's energy needs the Secretary considered today's reality of relatively inexpensive imported oil, continuously imposed or threatened congressional restrictions, strategic consensus building efforts for exploration and development in the most likely places where actual exploration and development can occur or expand, the Nation's current reliance on OCS resources, and section 18 criteria.

Focusing on being a good neighbor, proceeding deliberately with environmental concerns extensively studied and analyzed, and pursuing work with the Alaska Regional Stakeholders Task Force and similar consensus building efforts could result in a 5-year schedule under which most lease sales are held on time and future OCS production is maximized. The approach reflected in the Proposed Program not only facilitates problem-solving and consensus building but also maintains a viable infrastructure and promotes production in proven areas while encouraging exploration and infrastructure development in other areas--such as the deep-water Gulf of Mexico and selected areas on the Alaska OCS--where there is industry interest and the potential for major discoveries. Such a program best meets national energy needs at this time.

The Secretary has concluded that the Proposed Program achieves the most equitable sharing that is possible at the present time. The greatest risks, and greatest benefits, will continue to accrue to regions with existing production and infrastructure, particularly the Central and Western Gulf. The schedule includes several sales in the Alaska region, where there is existing infrastructure and onshore production and a need to gather more information on the geological and geophysical characteristics of the region. High volumes of OCS oil and gas will continue to be produced from the California OCS even though no lease sales during this program are proposed. This fact cannot be ignored in considering the equitable sharing of developmental benefits and environmental risks.

Configuration of Planning Areas: The planning area boundaries and program areas for leasing consideration are as depicted in Maps 1 and 2. No further technical adjustments to the configuration of OCS planning areas have been made--they are the same as those published in the Draft Proposed Program.

Assurance of Fair Market Value: As in the Draft Proposed Program, the basic minimum bid level would be set at $25 per acre, subject to sale-by-sale reconsideration, and the current two-phased bid adequacy process is retained.

The Outer Continental Shelf Deep Water Royalty Relief Act (P.L. 104-58) was signed into law on November 28, 1995. This new law requires the Secretary to suspend royalty on any new leases

issued during the next 5 years for blocks in water depths of 200 meters or more within the Central and Western Gulf of Mexico Planning Areas and within that portion of the Eastern Gulf of Mexico Planning Area located west of 87 degrees 30 minutes West longitude. The Secretary has 180 days to promulgate any necessary rules to implement the law, and the Department of the Interior is engaged in preliminary planning and analysis. Implementation of this law will affect internal estimates of the value of affected leases and may lead to one or more additional changes in leasing policy and the terms and conditions for these new leases.

Information Requested: We request all interested and affected parties to comment on the size, timing, and location of leasing and the procedures for assuring fair market value that are proposed in the Proposed Program. As specified in section 18(a)(2)(F), the MMS requests the Governors of affected States to identify State laws, goals, and policies relevant to OCS oil and gas. Information provided by commenters should relate to the principles and factors of section 18, and suggestions for revising the Proposed Program should include rationale corresponding to those considerations and to the policy objectives identified by the MMS, as discussed in the background presented above.

Pursuant to the NEPA, the MMS also has prepared a draft EIS for the new 5-year program. Comments on the draft EIS should be sent to: 5-Year EIS Project Manager, Minerals Management Service (MS-4320), 381 Elden Street, Herndon, Virginia 22070. Comments submitted in response to this Notice will be considered in preparing the Proposed Final Program and the final EIS.

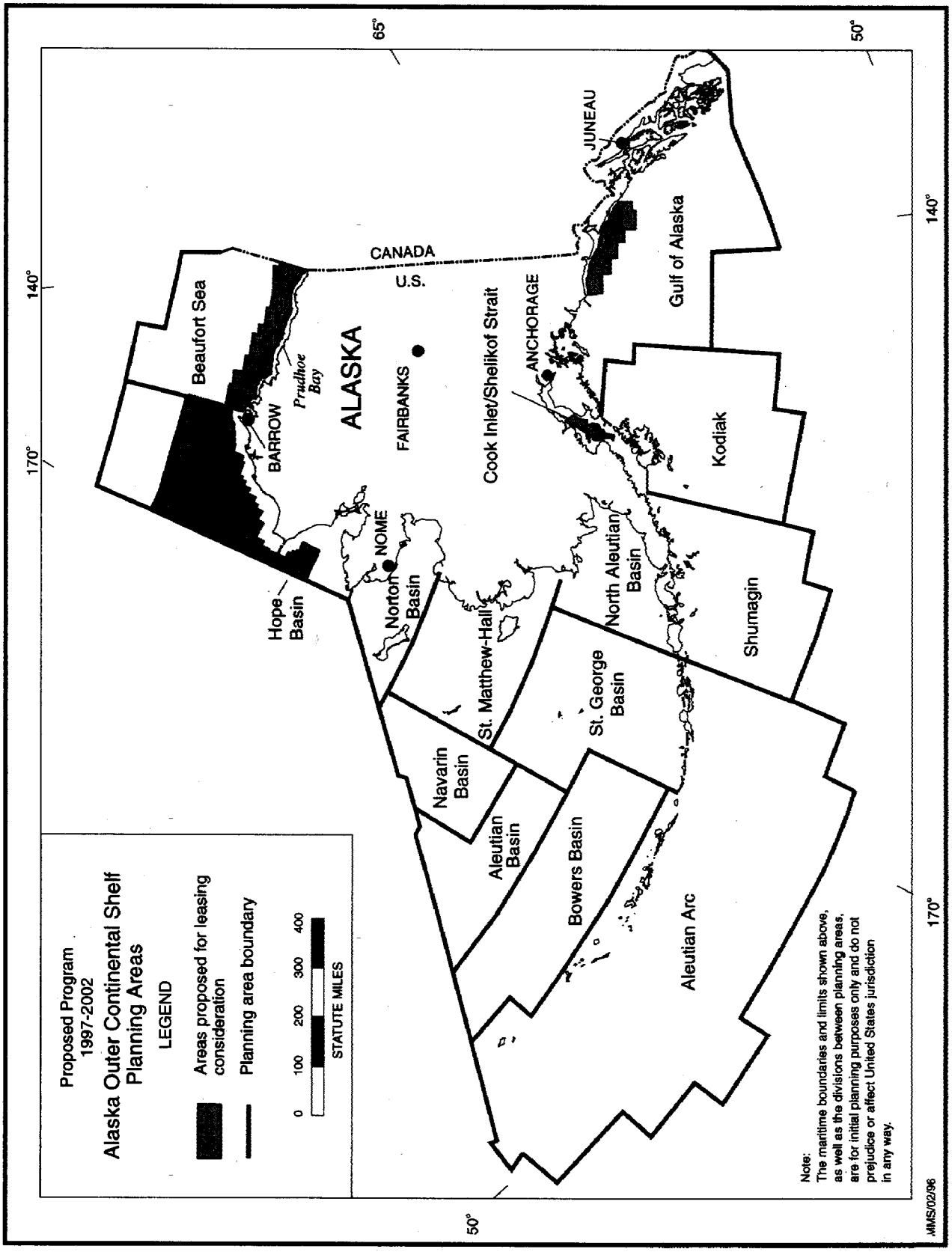
Section 18(g) authorizes confidential treatment of privileged or proprietary information that is submitted. To protect the confidentiality of such information respondents should include it as an attachment to other comments submitted and mark it appropriately. On request the MMS will treat such information as confidential from the time of its receipt until 5 years after approval of the new leasing program, subject to the standards of the Freedom of Information Act. The MMS will not treat as confidential any aggregate summaries of such information, the names of respondents, and comments not containing such information.

Next Steps in the Process will be to receive and evaluate all comments including the Alaska Task Force recommendations submitted through the OCS Policy Committee and to prepare and issue the Final Program and final EIS in August 1996. The Secretary may approve the new 5-year program 60 days later.

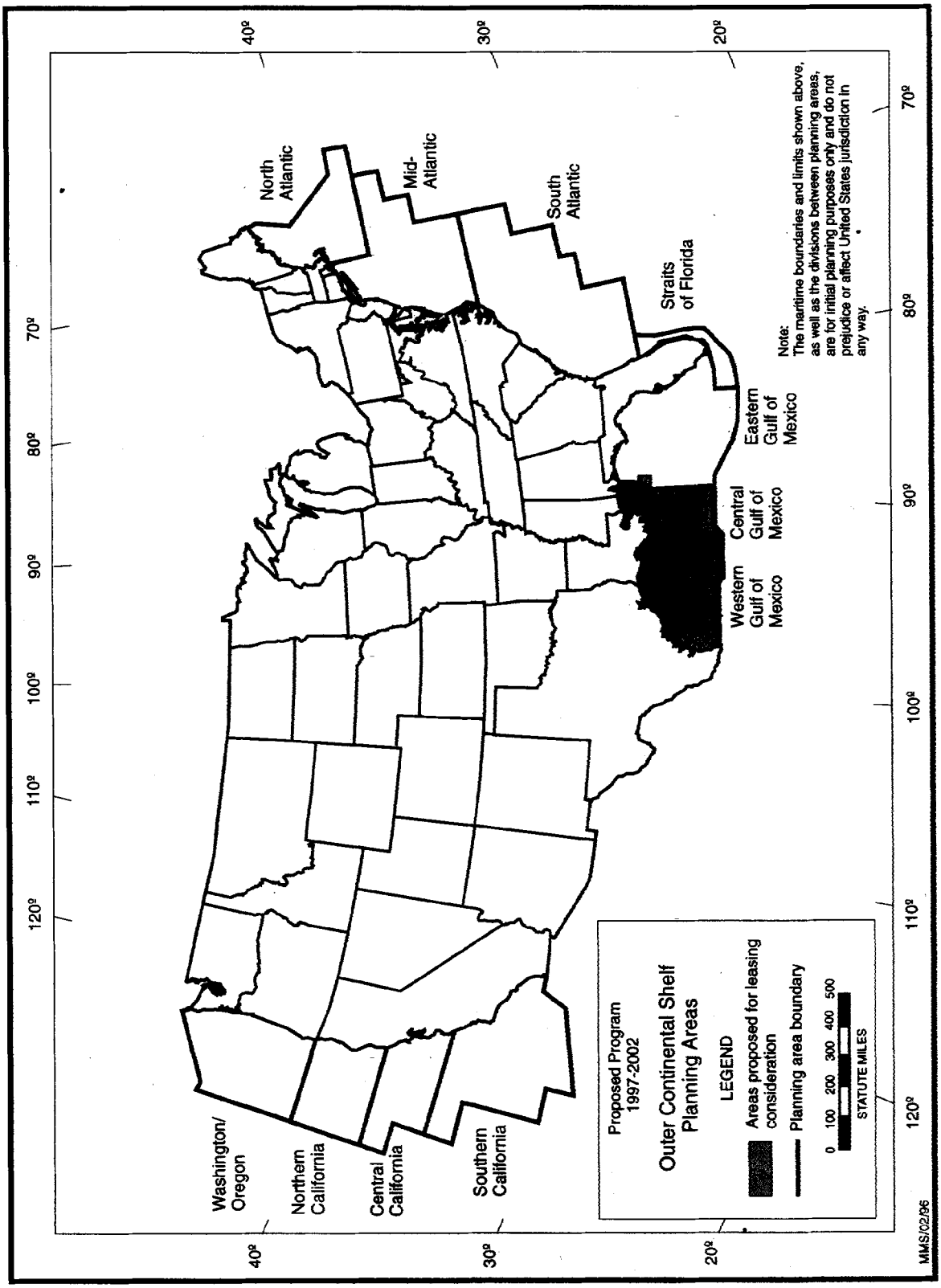
Cynthia Quarterman
Director, Minerals Management Service

FEB - 5 1996

Date


Proposed Program
1997-2002
Alaska Outer Continental Shelf
Planning Areas
LEGEND
Areas proposed for leasing consideration
Planning area boundary
0 100 200 300 400
STATUTE MILES
Note:
The maritime boundaries and limits shown above, as well as the divisions between planning areas, are for initial planning purposes only and do not prejudice or affect United States jurisdiction in any way.
MMS/02/96
65°
50°
140°
170°
CANADA
U.S.
ALASKA
Beaufort Sea
Prudhoe Bay
BARROW
FAIRBANKS
JUNEAU
ANCHORAGE
Cook Inlet/Shelikof Strait
Gulf of Alaska
Kodiak
Hope Basin
NOME
Norton Basin
St. Matthew-Hall
North Aleutian Basin
Shumagin
St. George Basin
Navarin Basin
Aleutian Basin
Bowers Basin
Aleutian Arc

Map 1. Alaska



Map 2. Lower 48 States

[FR Doc. 96–2867 Filed 2–8–96; 8:45 am]

BILLING CODE 4310–MR–C

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Draft Environmental Impact Statement for Proposed Oil and Gas Leasing Program, 1997 to 2002

AGENCY: Minerals Management Service, DOI

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the Proposed Outer Continental Shelf Oil and Gas Leasing Program for 1997 to 2002.

DES 96-7.

The Minerals Management Service has prepared a draft Environmental Impact Statement (EIS) relating to the Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 1997 to 2002 pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969.

Information on the availability of the draft EIS in Alaska can be obtained from: Regional Director, Alaska Region, Minerals Management Service, 949 East 36th Avenue, Anchorage, Alaska 99503-4302, telephone (907) 271-6435. For availability of the draft EIS along the Pacific Coast contact: Regional Director, Pacific Region, Minerals Management Service, 770 Paseo Camarillo, Camarillo, California 93010, telephone (805) 389-7502. For availability of the draft EIS along the Gulf of Mexico Coast and the Atlantic Coast contact: Regional Director, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana, telephone (504) 736-0557. Information on the availability of the draft EIS can also be obtained from Chief, Environmental Projects

Coordination Branch, Minerals Management Service, 381 Elden Street, MS-4320, Herndon, Virginia 22070-4817, telephone (703) 787-1674.

Copies of the draft EIS will be available for review in public libraries located throughout the coastal States. Information regarding the libraries and their locations may be obtained from any of the offices listed above. The list of libraries and their locations is also available on the Minerals Management Service Homepage on the Internet at http://www.mms.gov.

In accordance with 30 CFR 256.2(b), public hearings relating to the draft EIS will be held in late March and early April. The exact dates, times, and locations of the hearings will be announced by Federal Register notice in the near future.

Comments resulting from reviews of the draft EIS and written materials prepared as part of testimony at the public hearings should be mailed to the Director, Minerals Management Service, 381 Elden Street, MS-4320, Herndon, Virginia 22070-4817, Attention: Richard Wildermann. Hand deliveries to the Department of the Interior may be made to Room 4227 Main Interior Building, 1849 C Street, NW., Washington, D.C. 20240. Envelopes or packages should be marked "1997-2002 Oil and Gas Program draft EIS."

After the public hearing testimony and written comments on the draft EIS have been reviewed and analyzed, a final EIS will be prepared. The comment period for the draft EIS for the Proposed OCS Oil and Gas Leasing Program for 1997 to 2002 closes May 9, 1996.

Associate Director for Offshore Minerals Management
Thomas Gernhofer

Approved:

Willie R. Taylor
Director, Office of Environmental Policy
and Compliance

2/1/96
Date

[FR Doc. 96–2866 Filed 2–8–96; 8:45 am]
BILLING CODE 4310–MR–C

Federal Register

Friday
February 9, 1996

Part IX

The President

Proclamation 6865—150th Anniversary of the Smithsonian Institution

Federal Register
Vol. 61, No. 28
Friday, February 9, 1996

Presidential Documents

Title 3—

The President

Proclamation 6865 of February 7, 1996

150th Anniversary of the Smithsonian Institution

By the President of the United States of America

A Proclamation

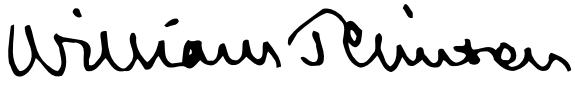
When James Smithson, an English scientist, died in 1829, he gave his entire estate ''to the United States of America, to found at Washington, under the name Smithsonian Institution, an Establishment for the increase and diffusion of knowledge among men.'' This extraordinary gift, amounting to one and one-half times the Federal budget of the day, led to passage of an Act of Congress establishing the Smithsonian Institution. Signed by President James Polk on August 10, 1846, this legislation created a Board of Regents to oversee the execution of Smithson's trust.

Today, 150 years later, the Smithsonian Institution is famed around the globe, and its collections are enjoyed by thousands of Americans and foreign visitors every day. Through dedicated original research, the preservation of an unequaled collection of artifacts, and the presentation of public exhibitions and programs, the Smithsonian truly embodies its benefactor's dream. As one of the foremost repositories of American heritage and culture, the Institution provides unique insight into our history and the development of our vibrant national character.

As we celebrate the sesquicentennial of the Smithsonian Institution, let us recognize the work done by its many museums, research facilities, and educational endeavors and rededicate ourselves to the ''increase and diffusion of knowledge'' James Smithson sought to advance. In doing so, we can more fully explore the wonders of our world and continue to bring people together for the common pursuit of knowledge.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, and in honor of the memory of James Smithson and to commemorate the accomplishments of the Smithsonian Institution, do hereby proclaim August 10, 1996, as the 150th Anniversary of the Smithsonian Institution and urge the people of the United States to observe this anniversary with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred and ninety-six, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 96–3112
Filed 2–8–96; 9:01 am]
Billing code 3195–01–P

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Vol. 61, No. 28

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